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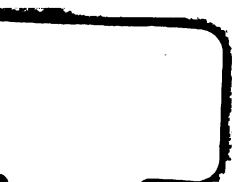


Book 1. 11

Cambrian

Walden

1881

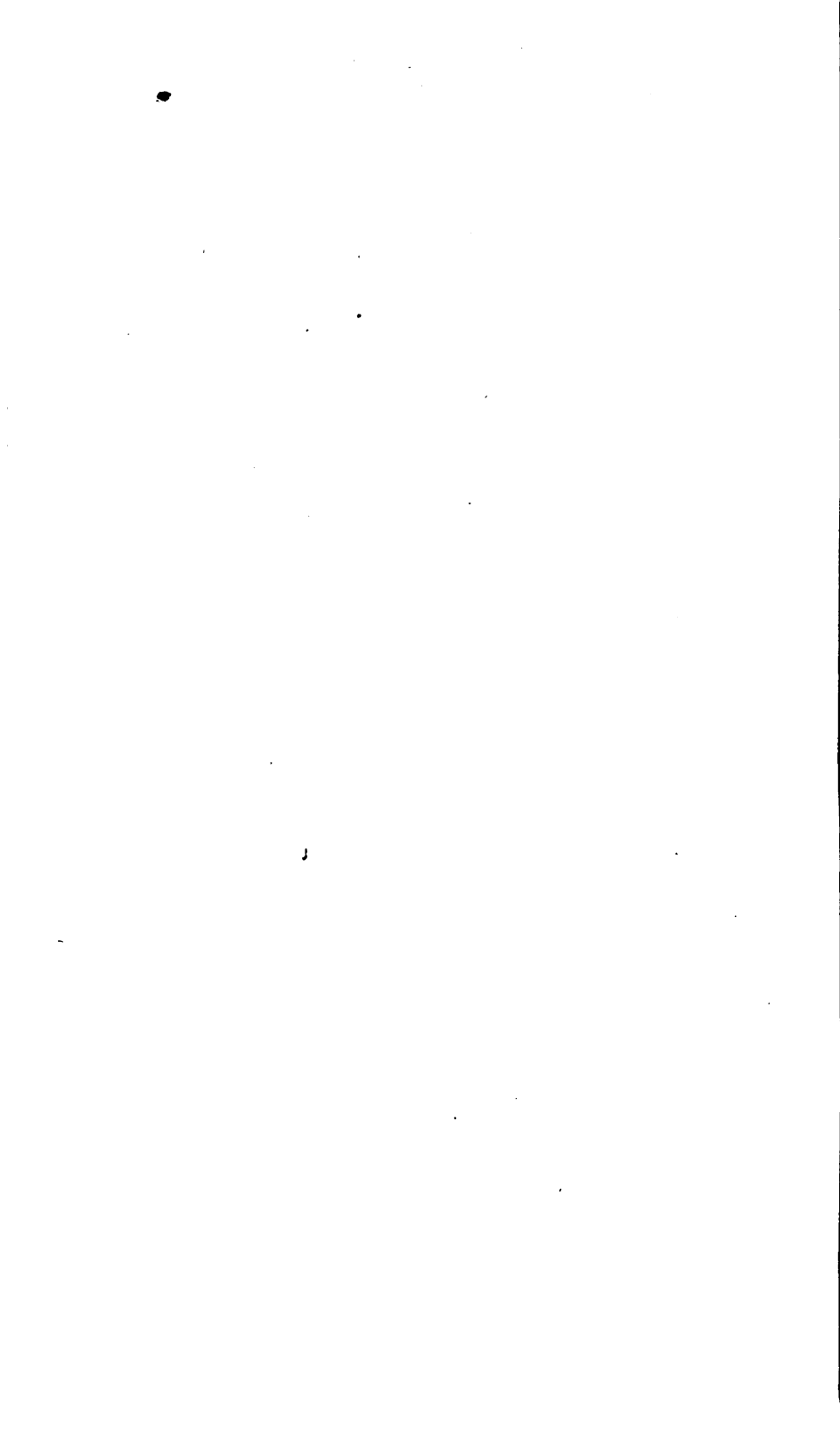


Book 1-7

Cambridge

Walden

1841



A

HISTORICAL ACCOUNT
OF THE
UNIVERSITY OF CAMBRIDGE,
AND ITS COLLEGES;

IN A LETTER TO THE EARL OF RADNOR.

BY

BENJAMIN DANN WALSH, M.A.

Fellow of Trinity College, Cambridge.

But very insufficiently has the nation been instructed, how much further good we might do them, if the real defects under which we are left to labour were done away.—CHRISTOPHER WORDSWORTH, D.D.

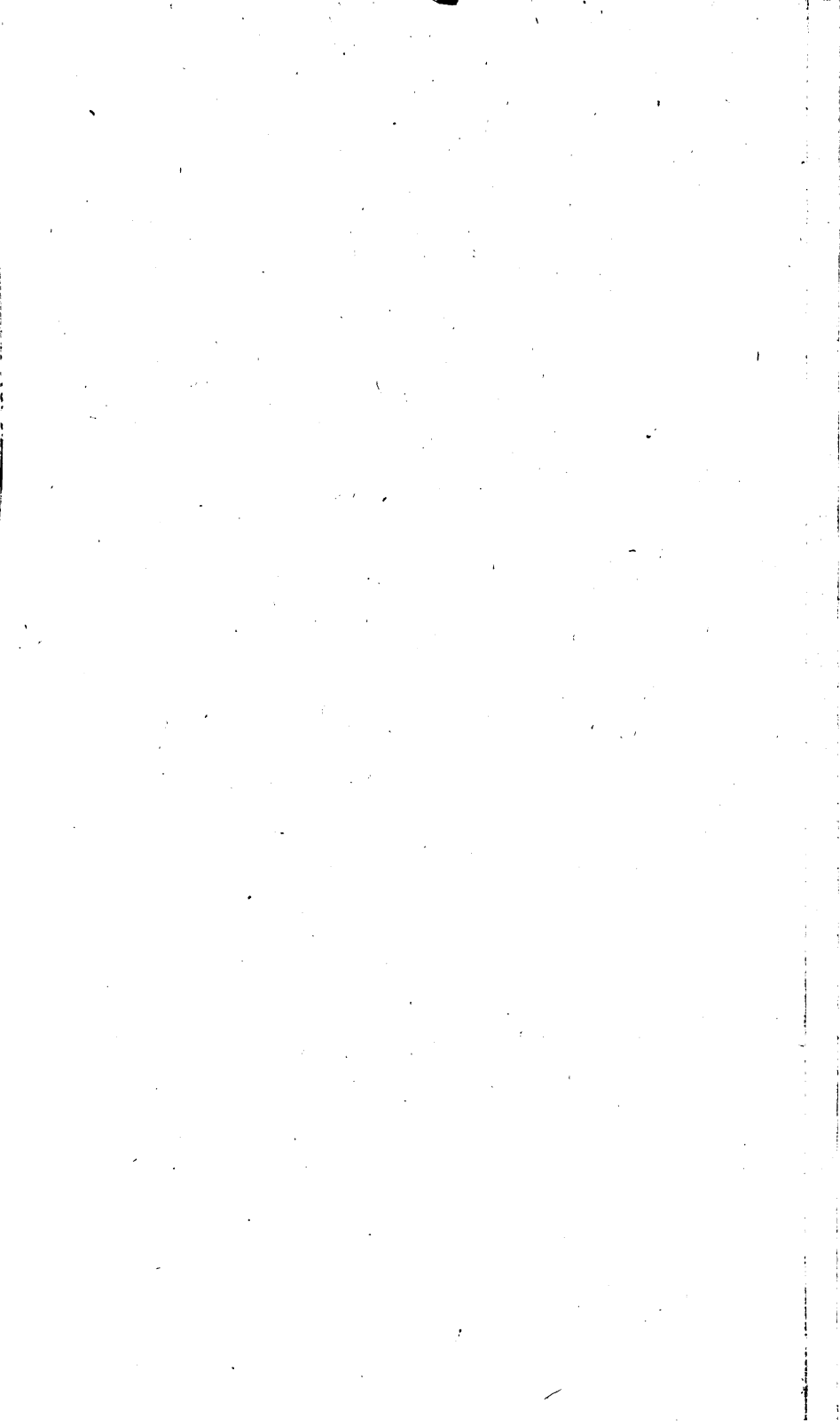
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HISTORICAL ACCOUNT
OF THE
UNIVERSITY OF CAMBRIDGE,
AND ITS COLLEGES.

MY LORD,

I HAVE been induced to throw together the following account of our University and Colleges, in consequence of perusing the debate on the second reading of your Bill "for appointing Commissioners to enquire respecting the statutes, &c." of the latter bodies. So very little information seemed to have been obtained by the speakers on that question, respecting the matter then under discussion,* that I was led to think, that a plain and temperate statement of *facts* might not be without its use. And indeed we can scarcely wonder at the condition of our Colleges and Universities having been misunderstood, when we consider, that the old bar-

* To go no further than the speeches in favour of the Bill, it was alleged of Trinity College alone, that poverty was the *principal* statutable requisite for obtaining a fellowship; that the senior fellows had unjustly appropriated double fellowships to themselves; and that the junior fellows netted upwards of £300 per annum, which is just half as much again as I myself have ever had the luck to receive.

barous Latin documents, from which the truth must be gathered, are nearly unintelligible, except to those much versed in academic matters ; and that, out of all the multifarious histories of Cambridge, there is not one which gives us the least conception of the changes that have been from time to time introduced. In order to supply this defect, I will, with your permission, lead you through a connected enquiry into the past and present state, firstly of our University, and secondly of our Colleges. As we proceed, you will meet with continual instances, in which the old laws neither have been, nor are, nor can be observed ; and, as you are well aware, that we are all generally sworn to the observance, both of the laws of the University, and when fellows or scholars, of those of our respective Colleges, I shall leave you to draw your own inferences, as to the policy of a legislative interference to repeal or modify these antique codes.*

* It is maintained by lawyers, and has, I believe, been decided in the Court of King's Bench, (*Rex v. Vice-ch.*, 3 Bur. 1756.) that a code of statutes, unless it has been accepted in the gross by the corporation for which it was compiled, is only binding so far as the corporation can be proved to have acted upon the laws contained therein. Now, as we shall see hereafter, the code by which the University is at present governed was not so accepted. Still it may admit of great doubt whether the *whole* code, if it be printed by the corporation for the use of its members, be not binding in *foro conscientiæ*, when those members swear or declare generally, " that they will observe the statutes of the corporation." In the case of degrees in Arts in this University, graduates swear to observe the sta-

But here, at the very outset of our journey, we are met by two conflicting objections, which, as your Lordship has acutely remarked, do not appear to harmonize very well together ; firstly, that no power on earth can change the present statutes, and, therefore, Parliament *must* not interfere ; and secondly, that the visitor of each separate corporation can do so, and, therefore, Parliament *need* not interfere. We will dispose of these objections in the order in which they stand.

It is a historical fact, that Royal Commissions have visited the University of Cambridge in the reign of Edward VI., in the reign of Queen Mary, and at two separate periods in the reign of Queen

tutes of the University, with a reservation “ that they are not to be considered guilty of perjury, if they submit to the statutable punishments for the infringement of the statutes.”—(Gunning’s *Ceremonies of the Univ. of Camb.*, pp. 62, 77, 95.) But as these statutable punishments generally extend only to cases of discipline, the reservation, if considered to apply to the case of the constitutional laws of the University, would amount to a complete nullification of them. Doctors in the other faculties do not *swear* to observe the statutes, but without any such reservation as that before mentioned, *pledge their faith*, that they will do so.—(Ibid. p. 122.) So much for the University. In the case of Colleges, all masters, fellows, and scholars, positively *swear* that they will observe the College statutes, and in the case of the oaths taken by the masters of Trinity and of St. John’s, it is particularly specified that they will do so, “ in omnibus,” and in the former instance “ according to their grammatical sense.”—(Stat. Trin. Coll. ch. 2, and Stat. St. John’s Coll. ch. 3, printed in the fifth report of the Education Committee, A.D. 1818.)

Elizabeth; and the codes compiled by them, which differ most materially from each other, may be found in the academical statute book.* Royal letters, changing the law on insulated points, have also been issued from time to time, and accepted and acted upon by the University.† It is likewise a historical fact, that all our College statute-books were moulded afresh by King Edward's Commissioners in 1549; re-moulded by Queen Mary's Commissioners in 1557; and finally reduced to their present form by Commissions issued by Queen Elizabeth at various periods in the earlier part of her reign.‡ Precisely too as in the case of the

* See below, pp. 7, 8. By the old charters (15th Henry III., &c.), it appears that the Bishop of Ely is the Visitor of the University; so that these Commissioners cannot *properly* be called "Visitors."

† A series of them may be found in the body of statutes afterwards to be spoken of.

‡ See the Appendix. In how slovenly a manner the duty was sometimes performed, may be gathered from an amusing example, quoted in the *Toleration of Marriage, &c.*, by the Rev. C. Farish, B.D., Fellow of Queen's College, p. 42.—"From the charter of one of the Colleges, it appears that it was founded for the express purpose, that the Master and Fellows might pray for the souls of the founders, &c. In obedience to this, by the statute, the Fellows are obliged to take an oath, 'that when the name of the founder or foundress is mentioned, they will pray especially for him or her.' The practice has now ceased, and the oath is not now administered. The Visitors in the first year of Elizabeth, who were appointed to purge the statutes from Popery, left this untouched, as appears from their having signed their names to the book of statutes in which it remains."—The College alluded to is Queen's.

University, the Collèges have been in the habit of receiving and acting upon Royal letters. To take one instance out of many, and one which occurred at a very recent period :—St. John's College was by its founders tied down to very complicated rules, as to the election of fellows from certain counties; but by letters patent from George IV., "the fellowships are now open to natives of England and Wales, without any restriction or appropriation whatever."* It necessarily follows, therefore, from these facts, that the crown has, or had, the power of granting new statutes, (for otherwise the present ones are illegal;) and, consequently, what can lawfully be done by the King, can *a fortiori* be lawfully done by the will of King, Lords, and Commons, in Parliament assembled.

Proceed we now to the *second* objection. The visitor can alter or amend the statutes, we are told. I suppose nobody will make this assertion with respect to the University; for although the Bishop of Ely exercised the visitatorial power over that Corporation, at a very ancient period in its history, yet the right has long ago fallen into disuse, and probably there are not half a dozen persons amongst us that are aware of its ever having existed. But the visitor of each separate College can repeal or amend its statutes, can he? Let us turn to the statute-book of the largest of our Colleges, in which the Crown confessedly does not fill the visitatorial

* Cambridge Calendar.

office.* We find, "that the whole power of altering, abolishing, or adding to, the laws is reserved to the Crown," and that if the Bishop of Ely, who is the statutable visitor, "attempts to make any new statute, the Master and Fellows are interdicted from obeying it, under the penalty of incurring the guilt of *perjury*, and of *perpetual expulsion*." And it is afterwards added, "that no length of time shall justify the departing from the words and intention of the statutes." The sole power of the kind reserved to the visitor consists in interpreting ambiguities, which he is directed to do "according to the plain, literal, and grammatical sense of the words."† And yet this was actually one of the Colleges that petitioned against a commission, on the plea of the visitor's power to alter the statutes!‡ Similarly the code of Corpus Christi College enacts, that no statute is to be interpreted otherwise, than in its grammatical sense ;

* It is positively uncertain whether the Crown or the Bishop of Ely is the Visitor of Trinity College. The tyrannical Dr. Bentley and his unfortunate fellows were at loggerheads on this subject for some 40 years ; and after all, the Bench decided, that it was a doubtful point, only to be settled by a jury, which it never yet has been. —See Bishop Monk's *Life of Bentley*, p. 665, 4to. edition.

† Statutes of St. John's College, Cambridge, § 50, printed in the fifth report of the Education Committee, A.D. 1818.

‡ Trinity College may boast of having sent up no petition against the appointment of a commission. Many of the Governing Body are understood to be in favour of such a measure, and for the Master my title-page speaks plainly enough.

and it would be easy to show the same, were it at all necessary, in other cases. Indeed, it is as absurd to suppose, that the visitor can amend, repeal, or add to, the statutes of a College, as it would be to imagine that a judge can amend, repeal, or add to, the laws of the land.

Having now, I trust, refuted these two preliminary objections, we will, if you please, address ourselves to the investigation of the state of the *University* of Cambridge at various periods, omitting, for the present, any notice of the history of its *Colleges*. At the same time, it may be taken as a general rule, that any abuse, to be found at the University of *Cambridge*, has its parallel existing at the University of *Oxford* in a still more aggravated form.

The documents upon which most of my facts depend, are contained in "The Statutes of the University of Cambridge," printed by authority of the University, in 1785. They form a quarto volume of 600 pages, and consist, amongst other matter, of

1st. The ancient code, (pp. 1—94,) which is composed of a digested body of laws, passed by the senate at various periods, but some of them bearing evident marks of great antiquity. About a ninth part of them are dated, and range from 1359 to 1506.

2ndly. A new and very elaborate code, (pp. 144—174,) compiled by the Royal Commission, which

visited the University, as was before stated, in the reign of Edward VI. A. D. 1549. It enacts, "that all statutes and customs, which oppose it, are to be abrogated and rescinded."*

3rdly. The same code, with a few alterations and additions, as it issued from the hands of another Commission, which visited the University in Queen Elizabeth's reign, A. D. 1559. (pp. 176—214.) This code also enacts, "that all statutes and customs which oppose it, are to be abrogated, the rest remaining in force for the future."†

4thly. The same code, with some most important alterations and additions, completely subverting the ancient academical constitution. (pp. 224—271.) There is the same clause in it, "that all statutes and customs which oppose it, are to be abrogated, *the rest remaining in force for the future.*"‡ This insidious composition was issued by Elizabeth in 1570. To make use of Mr. Farish's words,|| "it completely revolutionized the whole order of things, by transferring a more than ordinary influence over all our deliberative proceedings, into the hands of the Masters of Colleges.—The history of its promulgation is so singularly interesting, so replete with intrigue and cunning, that we are impelled to enter still farther into its detail. We do not find that the design of giving laws to

* Stat. p. 159. † Stat. p. 191. ‡ Stat. p. 271.

|| See the "Further Enquiry," published anonymously, by C. Farish, B.D. Fellow of Queen's College.

the University, had its origin with Queen Elizabeth. It was hatched in the brooding mind of Whitgift, the Master of Trinity College, than whom no man was ever more versed in the art of hypocritical duplicity. It was Whitgift who first applied to Lord Burleigh* for a code of statutes, for the prudent but ambitious purpose 'of curbing many of the younger sort of fellows, and scholars, that were disobedient to the Heads, &c.' It was Whitgift, that, with the assistance of some of the 'ancient and chief Heads,'† first compiled them, and submitted them to Cecil for his approbation. Their sole and avowed object in this application was the acquisition of power.—There exists an entertaining and instructive history of the proceedings of our Alma Mater, at that period, in some MS. papers preserved in the library of Corpus Christi College.‡ They inform us, that these statutes of Elizabeth, on their first promulgation, were rejected by the senate with scorn; and that 'the Proctors, and divers regents and non-regents met to consult in way of supplication to seek redress.' What the result of that consultation was, we are informed by another paper

* "Strype's *Life of Whitgift*, App. No. 8. Sir G. Paul ascribes the statutes wholly to Whitgift, who, he says, was looked up to by the Heads of Colleges as an oracle."

† "Strype, *ibid.* B. i. ch. 4."

‡ "Nasmith's Catalogue, No. 118, Art. 36, &c."—For a more detailed account of these interesting and important documents, which have never yet been published, see the Appendix, Nos. 13—22.

in the same curious collection. A petition was prepared, and signed by 164 regents and non-regents, and presented to Lord Burleigh. Supplicatory letters were also addressed by the aggrieved members to several persons of rank and distinction, whose influence tended in any way to promote the interests of the petition.—No alteration in the statutes, however, appears to have taken place. At that time it was perhaps dangerous to enquire into the prerogative of the Crown, and the authority of the tyrannical Elizabeth. The agitation of men's minds gradually died away, and a passive indifference succeeded. In the mean time, the indefatigable zeal of Whitgift and his colleagues was labouring to establish the new code, and to secure to the Heads of Houses the permanent exercise of this strange and exorbitant power.”—Hence it has been doubted by some very distinguished men amongst us, whether this 2nd code of Elizabeth's be binding upon the University. Sir Vicary Gibbs and Mr. Hargrave, however, when professionally consulted on the subject, gave it as their opinion, (August 30, 1804, and August 24, 1805,) “that where the University has acted upon particular parts, it may so far operate as an acceptance of it.” This third code is the one by which the University is professedly governed at the present day.* The

* It is printed in Dyer's *Privileges of the University*, Vol. i. pp. 157—210.

three last I shall sometimes call for convenience sake, the "Tudor" codes.

5thly, to resume, the statute-book contains "interpretations" of the statutes, by the Heads of Colleges, who assume this power; by virtue of a law in the third Tudor code, "that if any doubt or ambiguity should arise, respecting the statutes, it should be explained and determined by the Chancellor, and the majority of Heads of Colleges."* We shall afterwards have some precious specimens of the way in which this right was abused. The "interpretations" extend from 1571 to 1776; pp. 318—348.

6thly, Statutes or "Graces" of the senate, as they are called; in which body, from the most ancient times, the legislative power was vested.—They extend from 1573 to 1784; pp. 350—449.

7thly, Decrees of the Heads of Colleges, who had usurped the legislative power of the senate. The only statute, that at all justifies this, is one which enacts, that "where no express punishment is imposed by the code, the Chancellor may, with the consent of the Heads of Colleges, assign one."† Under cover of this very definite privilege, the Heads enacted a variety of entirely new laws; as, for instance, against bathing in any river or pond in the county of Cambridge, inflicting expulsion for the second offence; ‡ against any graduates, save doctors,

* Stat. p. 271.

† This regulation occurs in all three Tudor codes, pp. 173, 209, 270.

‡ Stat. p. 453.

wearing silk hoods; * against playing at foot-ball, except in college; † against shooting; ‡ against allowing any women under 50 years of age in college, and then only in particular cases; § against wearing any long or excessive hair hanging over the forehead or ears; || against carrying any stick, club, or any manner of arms, ¶ &c. &c. to say nothing of a variety of more important regulations. They actually assume a power to settle salaries out of the University fund; ** they resolve that in case they are prosecuted for a particular decision, “the defence should be made and the charges in that behalf borne by the said University;” †† and to crown the whole, though all the power they could lawfully assume consisted in interpreting and in fixing penalties, the preamble of one of their decrees openly asserts, that, “as the statutes of the University are defective in a particular point, it shall be lawful for the Vice-Chancellor to, &c.” ‡‡ These decrees extend from 1552 to 1769; pp. 452—515. §§

8thly, In an appendix, an imperfect code given to the University in the reign of Queen Mary by

* Stat. p. 461.

† Stat. *ibid.*

‡ Stat. p. 474.

§ Stat. p. 482. and 487.

|| Stat. p. 487.

¶ Stat. p. 506.

** Stat. p. 495.

†† Stat. p. 471.

‡‡ Stat. p. 470.

§§ Many of the Decrees, Interpretations, and Graces, are printed in Dyer's *Privileges of the University*, vol. i.

Cardinal Pole, to be used until a better one could be framed; pp. 563—596; A. D. 1557.

Of this Book of Statutes only 25 copies were struck off, 24 of which were retained in Cambridge, in the various college libraries, &c. and the other one sent to the Royal library. The greater part of it is in Latin, and a great deal of it in Latin of a very *canine* description, and highly disagreeable to read. The rest is in English, with the exception of a decree of the Heads, which can scarcely be said to be either in one or the other, running *verbatim* as follows:—"Idem decretum for the largeness of bushels renovatum fuit die prædictâ, adjectâ poenâ sex solidorum for every time and default."*

In order therefore to unite convenience with accuracy, as often as I have occasion to quote from these documents, I shall translate the Latin into English, adding the phrase in the original, when it turns upon an important point, or when its meaning is not quite clear.

The "University" of Cambridge,—by which term was originally understood, "the whole number" of the Masters of Arts and Doctors,†—was in

* Stat. p. 457.

† The phrase "University of regents," at full length, occurs about half a dozen times in the old code. (§§ 15, 41, 57, 58, 158, 159.) "The university of causes," is used for "the whole number of causes," in the eighth law of the same compilation. I mention this, because it has been absurdly supposed by some very learned men, that "Universities" took their names from the "universal" or encyclopædic nature of the learning taught in them; and

full vigour, as is very well known to those conversant with the subject, *at least* as early as 1229, in the reign of Henry III. Now Peterhouse, the most ancient of our Colleges, was not founded till 1284, or at all events till 1257. It necessarily follows, therefore, that the existence of the University, as a corporate body, was entirely independent in ancient times of that of the other corporations called Colleges. Students (*scholares*)* in those days lived in certain hired houses denominated hostels (*hospitia*), under the direction or *regency* of a principal, (*principalis*), who was elected in case of a vacancy by their free votes, and who was always a *regent* Master of Arts, *i. e.* one who had not given up the duty of public tuition.† These buildings were

on the other hand, by some very unlearned men, that they were so called as being a “congeries” of Colleges. See the authors quoted in Malden’s *Origin of Universities*, pp. 11—14.

* There is a very common idea among Cambridge men, that the scholars (*discipuli*) of the different Colleges have been deprived of rights, which they formerly possessed. This probably arises from the two terms “*scholares*” and “*discipuli*,” being both commonly englished by the word “scholars.” For instance, the various charters are granted “*Cancellario, magistris et scholaribus*,” and as this is vulgarly translated, “the Chancellor, Masters, and *Scholars*,” the mistake is very natural. It ought rather to be “the Chancellor, Masters, and *Students*,” the word “*scholares*” being generally used to denote the whole body of gownsmen, including sometimes the masters. By the term “masters” (*magistri*) the Masters of Arts are always to be understood, the Masters of Colleges being never called simply “masters” in the statutes.

† Every Regent was formerly bound to lecture in the public

the property generally of townsmen, but sometimes in later ages of Colleges; as for instance, "the house of Pythagoras" at Cambridge belonged to Merton College, Oxford; but by a somewhat arbitrary statute of the University it was ordered, that after they had been employed ten years as hostels, the owner should not have the right of letting them for other uses, or even of coming to live in them himself, unless he could to the satisfaction of the Chancellor prove a necessity for his so doing.

There is a letter of Henry III. to the Mayor of Cambridge, of so early a date as 1231, ordering, "that the Hostels should be taxed according to the custom of the University, (*secundum consuetudinem universitatis*,) namely, by two masters and two honest and lawful men of the town, and should then be let to students according to the taxation ;"*

schools of the University, not merely to the members of his own hostel, but to the undergraduates generally. (See below, p. 58.) The beginning this course of lectures was technically called "incepting" or "commencing," and the recommencing, after having left it off, "resuming" or "resuming one's regency," the word "regency" being afterwards applied to the delivery of these lectures. Hence the time at which the Masters of Arts "commenced" was called the "commencement."

* The document, as copied from the original in the Tower of London, may be seen at full length in Fuller's *History of the University of Cambridge*, printed in 1655, p. 10. Taxing hostels means fixing the rents; we still talk of taxing costs. The two University officers appointed to perform this duty, were called Taxors,

and likewise another issued in the year 1266, precisely to the same effect. The first step towards the modern state of things, appears to have been the purchase or erection of suitable buildings by charitable individuals, in which poor students had rooms free of expense. This was the proper idea of a Hall (aula), though it was natural that endowments should afterwards be added ; in which case it would assume the character, though not in every case the name, of a College (Collegium). Every College, however, was not originally a Hall, nor is it quite certain which kind of establishment was prior to the other. All the three forms—for thus much at least we know—viz. the Hostel, the Hall, and the College, co-existed at the period when the old code was compiled ; but about the time of Elizabeth, the Colleges, in which the Halls had now merged, gradually supplanted the Hostels, and got possession of the exclusive privilege of admitting students, though, as far as I can find, there never was any express enactment to that effect. It must be remembered, that the Collegiate establishments furnished their members not only with apartments to live in, but also with an allowance (stipendium) for supporting themselves, which was paid out of estates settled upon the society by and the name still remains, though their functions are changed. Observe that the King, even at that early period, talks of “the custom of the University,” as if it was an establishment which had existed time out of mind.

the founder. In the earlier ages none belonged to them, but those who were on the foundation, viz. the master, the fellows, the scholars (*discipuli*), and the sizars; but when they had increased in opulence and numbers, they began to assume to themselves the license of admitting supernumerary students, who were called "pensioners" (*pensionarii*), because they paid a "*pensio*" or rent for their rooms, &c. As the pensioners of each College, generally speaking, were chosen to fill the vacant scholarships, in preference to other members of the University, one reason why the Hostels were first thinned, and afterwards entirely deserted, must be apparent to all.*

In the year 1514, an arrangement was made for the nomination of the two University officers called Proctors by a cycle of 44 years; in which, out of the 88 Proctors, we find that the Hostels had 11 turns; Pembroke, St. John's, King's, and Queen's, each eight; St. Michael's,† St. Peter's, Christ's and Clare six: Jesus, Bene't,‡ Catherine, King's Hall,† and Gonville four; and lastly, Buckingham one;§ it being stipulated, that, if the number

* For illustrations of the state of things in the time of the Hostels, see the Old Code, §§ 18, 36, 42, 43, 67, 156, 178; and also Stat. pp. 115, 124, and 537.

† St. Michael's House and King's Hall were soon afterwards incorporated in the foundation of Trinity College by Henry VIII.

‡ This, as is well known, was the ancient name of Corpus Christi College, as Gonville of Caius.

§ Now Magdalen College.

of regent masters in a particular College varied, that College might be advanced or degraded in the scale, "but that the rank of the Hostels should under no circumstances be changed."* Hence it becomes apparent, that the Hostels even at this period must have contained at least one-eighth of the whole number of regent masters in the University. In 1557 a new arrangement, by which the Hostels were entirely excluded, was made by the senate, and confirmed by the Royal visitors in 1559. Soon after this they appear to have decayed very fast, owing partly to the deprivation of their ancient privileges, partly to the change of system then introduced, and partly to the increased accommodation afforded to students by Colleges which had risen on their ruins. The last notices that I find of them occur in a grace passed in 1587,† and in the charter of James I. granted A. D. 1603, which confers upon the University the privilege of sending two members to Parliament, "to make known the true state of the said University, and of every College, Hall, and Hostel there, &c."‡

Some years before this, the Heads of Colleges

* Stat. p. 105.

† Stat. p. 361.

‡ Dyer's *Privileges of the University*, vol. i. p. 135. Fuller asserts that Trinity Hostel, which he says contained students till 1540, was the longest lived of them all. (*Hist. Univ. of Cambridge*, p. 28.) But this is evidently incorrect. King Edward's code, which was not issued till 1549, mentions "those who devote themselves to the study of the civil law in the Hostel of St. Nicholas, or any other Hostel, &c."—Stat. p. 171.

had by various means obtained such extraordinary powers, that we cannot wonder at the rival establishments disappearing under their influence. One solitary memento of the old system still remains. Amongst the various buildings which were made over to Trinity College, at its foundation by Henry VIII. in 1546, was included Gerard's or Garret's Hostel. This old fabric being in a ruinous state in 1667, was rebuilt at the expense of Dr. Hacket, the Bishop of Litchfield, and in compliment to him was denominated "Bishop's Hostel," a name which it still retains, together with the Bishop's coat of arms. The adjacent lane, however, as well as its bridge, which is now rebuilding, has preserved the ancient appellation of "Garret Hostel" unto the present day.*

It has now, then, for the last two centuries been a received principle, (though not in the slightest degree authorized, as far as I can find, by any royal statute, or grace of the senate whatever, nor even by an "interpretation" of the Heads), that no one can be a member of the University, unless he first become a member of some one of the Colleges; or, in the words of the veracious Cambridge Calendar (p. 1.), that "the frame of this little commonwealth standeth upon the union of seventeen Col-

* Lists of "the Hostles wherein students lived, under the rule of a Principal, on their own proper charges, before any Colleges were endowed," may be found in Fuller's *Hist. Camb. Univ.* p. 26. Parker's *ditto*, p. 28; and Carter's *ditto*, p. 15.

leges or Societies." This is manifestly a great injustice to those graduates who are not fellows of colleges, as they are thus deprived of the honour and emolument to be obtained by taking charge of those young men, whose friends might choose to place them under their care. It is likewise a great injustice to the public at large, or rather, as we are at present constituted, to the Church-of-England public. For the Colleges would be more than human, if they did not, like all other monopolists, occasionally combine, for purposes not strictly justifiable by the statutes of the University. Formerly a student became a member of the University, by being entered on the register (*matricula*) of any Principal of a hostel, that thought him worthy of admission;* and as any master might become a Principal, if he could but get a suitable building let to him within the precincts, a more extensive competition was thus introduced. At present, no one can become a member of the University, unless he is first entered on the register (or "boards") of some College, and afterwards registered (or "matriculated," as it is called), before the University; which latter ceremony was not introduced till the middle of the 16th century.† If the Colleges are so well managed, that no improvement can be made on their system, they need never be afraid of entering into competition with hostels, as the advantages to be expected from

* Stat. p. 21, § 42.

† Stat. p. 122.

obtaining scholarships and fellowships would be sufficient to induce young men to give them the preference. But if they are not as well managed as they might be, the sooner they are forced to alter what is bad and useless in their regulations, by the revival of the ancient institutions of the University, the better will it be for the interests of society at large.

The University of Cambridge was originally a national establishment, open to men of every sect ; and there is no vestige whatever in the ancient code of any religious test having been exacted ; although we find there the forms of a vast variety of oaths taken on different occasions. The earliest attempt to introduce a measure of this kind, occurred about a month before the death of Edward VI. but was frustrated in consequence of that event. It was by the Popish advisers of Queen Mary that subscription to articles of religion was first actually exacted, as a preliminary to taking any degree whatever ; and we have documents still in existence, which contain both the articles subscribed and the names of the subscribers.* Queen Elizabeth, however, despotical as were her ideas on most subjects, merely directed, “ that no one shall defend any doctrine, contrary to the established religion, in any public sermon, or on any other public occasion within the University ; and that any one who does so shall publicly recant

See the Appendix, Nos. 8—10.

under the penalty of expulsion.”* And a grace passed, June 9th, 1603, shortly after James I.’s accession, goes no further than this, though the punishment inflicted is somewhat more severe.†

On the 30th June, 1613, however, James dispatched a very long-winded letter to the Heads, requiring them “to endeavour to get a grace passed by the senate,” which would make subscription compulsory on the candidates for the degrees of B.D., or doctor in any faculty, but not for a degree in arts. The first sentence of this extraordinary composition I copy verbatim:—

“Upon signification to you, not long since, of our dislike of the degree of a Doctor of Physic granted in that our University of Cambridge, without subscription to the three articles mentioned in the six and thirtieth canon of the book of Ecclesiastical Constitutions and Canons, made and published A.D. 1603 and 1604, and in the first and second years of our reign of this our realm of England, to Mr. Burgesse, who upon a humour or spirit of faction or schism apostating from his orders and ministry, hath betaken himself to the profession of physick, understanding by your private answer at that time made unto our challenge to you for the same, that there was no established decree or ordinance in that our University for the denial of degrees to such as should refuse to subscribe as aforesaid, and duly considering with ourselves to

* Stat. p. 255.

† Stat. p. 365.

how little effect our care and endeavour of preserving as well uniformity in order, as unity of truth, in this our Church will tend, if we should not carefully provide for the deriving of both out of the nurseries and fountains of our Church and Commonwealth (our Universities), we have thought good by these our letters to signify unto you, both our apprehension of the necessity of establishing such an ordinance or decree, and also our pleasure for the performance thereof presently in that our University of Cambridge, to wit, that, by a public ordinance and decree of the body of that our University, passed by a grace with you, it may be decreed and ordained, that from henceforth no man shall have granted unto him the degree either of Bachelor in Divinity, or of Doctor in any Faculty, Divinity, Law, or Physic, unless he shall first, and before the propounding of his said grace to the body of the University, in the presence of the Vice-Chancellor or his deputy for the time being, subscribe to the aforesaid three articles contained in the aforesaid six and thirtieth canon, in such manner and form as in the said canon is expressed and required.”*

Seven days after the date of this elegant epistle, the obedient senate passed a grace to the effect required.† Having succeeded therefore so well in his first attempt, James determined to follow up his advantage, and on Dec. 3rd, 1616, issued “ his

* Stat. p. 279.

† Stat. p. 371.

Majesty's directions to the Heads of Houses," signifying his pleasure, "that all who took any degree should subscribe to the three articles; that no preacher should be allowed to preach in the town, but such as were every way conformable, both by subscription and otherwise, &c. &c."* It does not appear that there was any grace ever passed to confirm this arbitrary order. It was, however, always acted upon till 1772, when the senate, having previously appointed Commissioners (or "syndics") to enquire into the legality of the step, enacted, "that candidates for the degree of B.A., instead of the usual subscription to the three articles, should for the future subscribe the following sentence:—I., A. B., do declare, that I am *bonâ fide* a member of the Church of England, as by law established."† This relaxation was still further extended to Bachelors of Civil Law, of Medicine, and of Music, and to Doctors of Music, by a grace passed in 1779;‡ and here the matter has rested unto the present day, as far as legislative enactments are concerned.

It is plainly useless for the Colleges to assert, that they are foundations for the cultivation of theological learning, and cannot therefore admit students, who are not members of the Church of England; because, in the first place, Mr. Thirlwall has clearly proved, that theology, as an academic study, neither does exist, nor ought to exist amongst

* Stat. p. 281.

† Stat. p. 436.

‡ Stat. p. 441.

them ;* and secondly, even if it did, they have no right to confine the University to themselves by successive encroachments on the hostels, and then to make use of this very illegal aggression, as an argument for depriving that large portion of the British nation, which does not belong to the Church of England, of their ancient and infeasible rights. It is a principle of the Common Law, that no man can take advantage of his own wrong ; and as the Colleges clearly enjoy an unjust monopoly of the privileges of the masters of arts in general, it is adding insult to injury to make this a plea for inflicting an additional injustice upon that most respectable body, the Dissenters of the United Kingdom. It really is a disgrace to the English Protestant Church to continue to agitate for the exaction of religious tests, when all foreign Universities at the present day, have repudiated so selfish and intolerant a system.

The principal part of the executive and judicial functions of the University properly devolves upon the Chancellor, who has always been elected without any restriction by the senate.† The office is, by the statutes, triennial, but may be held for an indefinite period by tacit consent. It began to be conferred, about the end of the 15th century, upon Archbishops or Bishops, who, of course, could not reside constantly ; and hence arose the necessity

* See his admirable letters to Dr. Turton.

† Stat. pp. 2, 155, 189, 241.

of electing a Vice-chancellor, who, by the statutes, is invested with the same rights and powers, as the Chancellor possesses, during the absence of the latter.* Since Elizabeth's time, this office has been always held by some distinguished nobleman, and is now little more than an honourable sinecure, saving and excepting the duty (not a very easy one sometimes) of defending the University when attacked in Parliament.

At the earliest period, of which we have any record, the senate consisted of the two separate houses of regent and non-regent masters; Doctors in very ancient times being frequently called "Masters,"† and voting in one house or the other, according to whether they gave public lectures or not, *i. e.* were regent or non-regent. The whole legislative powers of the University were possessed by this body, the Chancellor never having had the negative on their deliberations, which the Crown possesses in the theory of the British Constitution. For the Old Code expressly declares, "that the Chancellor is bound to execute the decisions of the Masters, when they have been announced to him by them."‡ No graces on general subjects obtained the force of laws, until they were passed by a

* Stat. p. 253.

† Old Code, §§ 119, 131, 168, &c. The German Universities to the present day confer the degree of "*Doctor of Philosophy*," or Arts, which is equivalent to our "*Master of Arts*."

‡ Stat. p. 5, § 13.

majority, both in the regent, and the non-regent house; but in almost all other cases, and especially in the election of officers, the power was entrusted solely to the regents, as being the most important and respectable portion of the University.* Before the time of Elizabeth, however, a new system had been introduced, which gradually, as we shall afterwards see, released the regents from the obligation of publicly lecturing; and by thus depriving them of their importance, deprived them in the end of many of their exclusive privileges. At the present day the regency has become a mere legislative distinction, Masters of Arts voting in the regent house for five, and Doctors for two years, after their creation; while at the expiration of these periods the first vote in the non-regent house, and the second assume the entirely unauthorized and illegal privilege of voting in *whichever house they please*, in order to throw the weight into the scale that preponderates against them. The two are now sometimes called the regent and non-regent houses; sometimes the upper and lower houses, from the part of the senate-house where they vote; and sometimes the white-hood and black-hood houses, from the colour of the lining of their hoods. It must be borne in mind, that the senate never was a *deliberative*, though always to a certain extent a *legislative* body; all its members being bound to give their votes by a simple negation or affirmation

* Stat. Old Code, §§ 4, 15, 28, 41, 57, &c.

(non-placet or placet) on the grace proposed, without making any amendment or any comments whatever.*

By the present constitution of the University, every grace must be read in two congregations before it can be put to the vote, and these two congregations must be within seven days of each other, and one in the morning and the other in the afternoon. Public notice is also required to be given *three* days before the first, unless there are forty members present either at the first or the second.† By means, however, of convoking a congregation within a day or two of the end of term, when many masters, in their ignorant innocence, have left the University, measures are often quietly smuggled through the senate, that would otherwise not pass, at all events, without considerable opposition. Frequently also, the statutable notice is not given, and the authorities trust to the getting together forty of their supporters, who can then vote the proposed measure *nem. con.* with the greatest ease. Petitions to the legislature on important political subjects are sometimes worked in this way.

* Old Code, § 161.

† See the Graces passed in 1624, 1716, and 1798. By academical and classical usage, "*three* days" are held to mean what the "swinish multitude" would call *two* days. Thus, Monday is three days before Wednesday; and if notice is given late on Monday night, the first congregation may meet on Wednesday morning, and the second on Wednesday afternoon, when the measure, however important it may be, is finally decided upon.

We have every reason to think that the modern College of Tribunes, denominated the *Caput*, *without the consent of each of whom no measure can even be brought forward in the senate*, did not exist till the middle of the 16th century. This seems quite clear from four separate laws of the old Code, all of which treat of the method of passing graces.* If such an institution had really prevailed at an ancient period, we should certainly expect to find some mention of it here. But it is no such thing. Now, as none of these statutes are dated, we may fairly presume that the dates of them were unknown at the time when the old Code was compiled, and that they contain the ancient constitution of the senate in an unadulterated form. It appears from them, that an assembly could not be held, unless the Chancellor, Vice-chancellor, or some Doctor deputed by one of the two, officiated as president. But it by no means follows, (indeed there is every reason to suppose the contrary,) that this president was invested with a negative on their proceedings. Had this been the case, there would inevitably have been mention frequently made of it in the ancient code, which fills ninety-four quarto pages. But it so happens, that the only vestige of the existence of the power of the veto, occurs in a law, inserted indeed amongst the rest, but of the comparatively recent date of 1488. It is there enacted, “that no grace concerning the residence or the

* Old Code, §§ 1, 2, 6, 63.

formalities required for taking a degree (*tempus aut formam concernens*) be for the future proposed, unless it be previously read and agreed to in the presence of the Chancellor or Vice-chancellor, and two Doctors.”* Here we have a veto given to a triumvirate, but expressly limited to the graces (or “supplicats” as they are frequently called) for degrees ; nor is any power assigned to them of negating graces of a general nature. We find no such privilege given to any man, or set of men, in the elaborate statutes issued by King Edward VI. in 1549. But in the code compiled by Cardinal Pole, A.D. 1557, we meet at length with a regulation “that at every congregation those, and no others, are to be on the Caput, who at the beginning of the year are deputed to be the Caput ; *and that any one of them is to have a negative voice.*”† There is nothing specified, however, as to the way in which this Caput is to be elected. In fact, the Cardinal himself declares, in the first sentence of his prefatory letter, “that his laws are merely to be observed in the interim, until a commission, appointed by the Vice-chancellor, has compiled new ones,”‡ to which, however, he reserves to himself the power of refusing his assent. This, I think, fully explains his silence on the point in question.

It appears, therefore, that we owe the original sketch of the modern Caput to the ingenuity of the Cardinal. The next, in point of time, after the

* Stat. p. 9, § 21.

† Stat. p. 566.

‡ Stat. p. 564.

Cardinal's code, is that of Queen Elizabeth, issued in 1559. It says nothing whatever of a Caput, nor of a "veto" entrusted to any body of men: nor is there any mention made of this subject in the additional regulations issued by Lord Burleigh, and confirmed by the senate in 1562.* It is in the third Tudor code only, by which the University is, or rather supposes that it is, now governed, that this important innovation in the ancient free constitution of the University is developed.

The result of the 41st chapter of that artful compilation is, that the Heads of Houses, and practically the Vice-chancellor, have the full and entire power of electing five persons annually, *each of whom, as well as the Vice-chancellor, has the full and entire power of negativing any measure, that it may be proposed to bring before the senate, even if every single member of the senate, but himself, intended and wished to vote for it.* In other words the legislative power is taken out of the hands of the University, and placed in those of certain individuals belonging to the Colleges. It is needless to add, that the "veto" of the Caput has remained in full vigour to the present day. Within the last few years it has been exercised, in order to prevent a grace for the admission of the Dissenters coming before the senate, and for similar factious purposes on several other occasions. Though it is not perhaps so much the exis-

* Stat. pp. 216—222.

tence of this "veto," which is destructive of the ancient freedom of the senate, as the kind of men to whom it is intrusted. Elected as they are, they must necessarily be the patrons of every antiquated absurdity, and the enemies of all useful reform. Had they been freely chosen by the senate from the whole body of Masters of Arts, they might perhaps have done some good, and they would most probably have done no harm. As it is, they have been a most important instrument, in the hands of the Heads, in effecting a series of aggressions upon the rights of the University unparalleled, I firmly believe, in the annals of any other corporation. Their powers have been always exercised for the suppression of every beneficial change, and weigh like an incubus upon the talents of every member of the senate, able and willing to propose measures of a really advantageous nature. The body of men, whom this tyrannical institution is intended to thwart and control, are not so young, or so ignorant, or so quarrelsome, that they cannot be trusted with the management of their own affairs; and the college dignitaries, into whose hands despotic sway over the whole University is thus thrown, might surely be contented with exercising their authority upon their own Fellows at home.

Before the commencement of the 16th century, *every University officer* was elected by "scrutiny," or open poll; in some cases by the regent-house, in

some by the non-regents, and in some by the whole body of the senate, voting collectively. In the course of that century there were three methods devised to restrain the freedom of election :—

1st. The giving the power of nomination to the Heads collectively, in such a way, that out of two persons nominated by them, the senate was compelled to choose one or the other.

2ndly. The giving the absolute power of nominating to the Colleges, in which case the senate was compelled to choose the nominees, unless they could be proved to be perfectly unfit for the office.

3rdly. The institution of the election by grace. Now as every member of the Caput possesses an irresponsible veto upon every grace, it is clear that they are thus virtually invested, in ordinary cases, with the power of nomination. For suppose a grace to be offered by the Caput for the election of certain persons to a certain office, and suppose the senate throws it out; the Caput can prevent any other grace for the election of different persons being offered, and thus compel the senate either to choose the persons originally proposed to them, or to let the office remain vacant for an indefinite time. This is not a mere theoretic view of the circumstances. It has actually happened over and over again; and in most cases the senate has been compelled to submit. The fair way evidently would be, first of all, if necessary, to pass a grace that certain officers should be elected by “scrutiny,” according to the

ancient custom of the University, and then to proceed, after a certain number of days, to the election.

I shall now go on to show, how the various academical officers have been chosen at various periods, in order to illustrate the way in which the old free method of election has gradually disappeared in almost every case.

The office of High Steward, which is now a mere honourable sinecure, was first instituted in the beginning of the 16th century. There is nothing specified in the statutes as to the way in which he is to be chosen ; but for many years back the election has been by grace. The inconvenience here is trifling, as there is not often more than one candidate, and even were there a dozen, a member of the Caput would scarcely dare to exclude any of them by his veto, because none but powerful noblemen are thought worthy of the office.

The old code directs that the Vice-chancellor be annually elected in "scrutiny," or open poll, by the regents alone.* The statute of Edward VI. is to the same effect.† Cardinal Pole, in the reign of Queen Mary, first introduced the method of nomination. His law directs, that the Heads of Houses, the Doctors of every Faculty, and the Bachelors of Theology, shall nominate two men, out of whom the regents are to choose one.‡ Elizabeth's first code re-established the ancient mode of election ;§

* Stat. p. 26. § 52. † Stat. p. 155. ‡ Stat. p. 564.

§ Stat. p. 192.

but if we turn to the second, we shall find, as might have been anticipated, that the innovation introduced by Queen Mary is again set up, and in a still more oligarchal form ; the nomination being intrusted to the Heads of Colleges alone, without any admixture of other Graduates. Ten years afterwards, however, a grace of the senate was passed, which enacts that all Doctors shall have a joint vote with the Heads in this and similar nominations.* But it has long ago become a dead letter ; and it would be to little purpose to attempt to revive it now, as the number of resident Doctors, who are not Heads of Houses themselves, is so extremely small, that, even were they so disposed, they could not exert any power in opposition to the dominant party.

It is sufficiently evident, that it was never contemplated by the 'senate, that the Vice-chancellorship should be confined to the Heads. The statute of Queen Elizabeth expressly declares, that they are to nominate "some one or other" (*unum aliquem*). In fact, as late as 1586, the office was filled by Dr. Capcot, a Fellow of Trinity. The Cambridge Calendar (p. 5.) states, "that the Vice-chancellor must, by an *order* made in 1587, be the Head of some College." Fuller too says, "that there was an *act* made amongst the Doctors" to that effect.† But there is no such document now in the statute-book ; and even if there were, it would

* Stat. p. 354.

† Hist. Univ. Cambr. p. 148.

be null and void by the constitution of the University. One thing is certain, that since that period the Vice-chancellor always *has been* the Head of a House. The Heads possess the irresponsible power of nominating any two persons they please to the office ; and if they choose to nominate none but themselves, they cannot be prevented, as long as the abominable third Tudor code remains in force. In 1713 and 1772 there were two attempts made to restore the ancient practice of the University ; both of which, as might have been expected, completely failed.* Still the fact of these attempts having been made sufficiently proves, that the right has not been tamely conceded by the senate.

For the last century and upwards the Heads, with scarcely any exceptions, have nominated one another by a scheme of rotation ; the juniors, *cæteris paribus*, having the preference. This certainly would seem a convenient way enough of attaching new comers to their interests, and giving them what Bishop Monk politely calls the *esprit du corps*, that is to say the spirit of sacrificing the University to themselves. But in the year 1834, and annually since that period, they have broken through the rule of rotation, which they themselves had established, and entirely passed over, and refused to nominate, the learned and respectable Dr. Lamb, the Master of Corpus College, in consequence, as has been publicly asserted, of his

* See the note in Monk's *Life of Bentley*, p. 263, 4to. ed.

liberal principles. Thus the senate is compelled to submit tamely to the arbitrary infraction of an arbitrary institution, which was set up in order to put power into the hands of an anile and effete faction, and is only pulled down, when they find that it will no longer answer these unjustifiable purposes.

The annual officers denominated Proctors, and anciently Rectors, have always been two in number. They have the general superintendence of the discipline of the University, and likewise take the votes in the regent-house, and perform various other duties. The emoluments are very considerable, arising principally from the fees for degrees. Since 1818 too they have been allowed to appoint two assistants, or Pro-proctors, who receive each 40*l.* besides some other considerable advantages.

The old statute for the election of these officers, enacted, that they should be elected in "scrutiny," or open poll, by the Regent Masters, or, if their number did not reach twelve, by the whole senate.* In the year 1514, the nomination by a cycle of Colleges and Hostels was instituted, as we saw before (p. 17.). In the year 1549, the old method was again introduced by the Edward code, save that the non-regents were in no case allowed a voice.† The statute given by Elizabeth, in the first year of her reign (dated 22nd June, 1559) is almost word for word the same as the Edward

* Stat. p. 26. § 53.

† Stat. p. 156.

statute.* In 1557, however, a new cycle had been made by the Colleges, at the suggestion of Cardinal Pole,† in which, as before stated, the Hostels were entirely left out.‡ This was ratified and confirmed by the Royal Visitors on the 23rd July, 1559; and must, therefore, of course, have superseded the law contained in the code issued a month before. We find also, that the same cycle is inserted in the Queen's second code, and the Regents are declared to be "bound to choose the nominees of the Colleges, unless a lawful exception be alleged and proved against them before the Vice-chancellor and Heads."§ One would have thought, that the whole power of nomination was thus so clearly vested in the Colleges, that the Heads could not with any decency have interfered. However, by lugging in head and shoulders the 40th chapter of the code, they succeeded in establishing their claims in some particular cases—if indeed the word claims can be properly applied, where the same parties are the claimants and judges—

Si rixa est, ubi tu pulsas, ego vapulo tantum.

This law, which we shall find them perpetually

* Stat. p. 186.

† Stat. p. 563-4.

‡ Stat. p. 211—214. In this cycle, which, like the former one, contained 44 years, King's, Trinity, and St. John's had each 11 turns; Peterhouse, Christ's, Pembroke, and Queen's 7; Clare 6; Corpus, Caius, and Jesus 5; Catherine 4; Trinity Hall and Magdalen 1.

§ Stat. p. 243. § 35.

making use of to sanction their usurpations, and which therefore deserves particular attention, enacts that, “the nominations and elections of Lecturers, Bedells, Stationers, Guagers, Vintners, *and all other servants or officers of the University*, concerning whom *no other provision* has been made, shall follow the mode and form prescribed in the election of the Vice-chancellor;”* in other words, the Heads are to nominate two persons, out of whom the senate is bound to choose one.

Let it be observed, that the “Lecturers” here intended are the “Barnaby Lecturers,” with a salary of only 4*l.* per annum;† that the word “Bedells” must refer to the “*Yeoman Bedell*,” as we shall afterwards find; and that the other three offices named are likewise such as could not be filled by gownsmen. Observe also, that in the separate statutes for the election of the various University officers, which all follow one another in immediate succession, there is a regular gradation from the highest officer, the Chancellor, to the lowest, the Auditors; and then comes directly afterwards the statute in question. It is clear, therefore, according to all the rules of equity, that this 40th statute ought only to be interpreted to apply to the inferior offices therein named, and others of a still lower nature; unless we are not only to allow, that “*omne majus continet per se minus*,” but also that “*omne minus continet per*

* Stat. p. 251.

† See below p. 53.

se majus." This, however, was by no means a doctrine that suited the Heads. Accordingly, in 1582, they issued a notable "interpretation," in which they pretend to discuss the meaning of a word in the 40th statute, which could not have been doubtful; and then, in an "instance" which they add, ostensibly for the sake of illustration, but which has nothing whatever to do with what goes before, quietly assign to themselves, by virtue of that statute, the right of nominating the Proctors, Scrutators, and Taxors, in case the collegiate nominee "should die before his election, or refuse the office, or be found an unfit person."* This document is really such a flagrant piece of low, sophistical cunning, and expressed in such an abominably hypocritical tone, that it is scarcely worth refuting. "Other provision," to borrow the words of the 40th law, had been expressly made in Elizabeth's code for the election of the Proctors, Scrutators, and Taxors; and although the particular cases of the nominee "dying, refusing the office, or being an unfit person," were not mentioned, yet, according to all rules of equity, the nomination under those circumstances ought to go back to the same parties. A Ministry might as well assume the power of nominating a new Member of Parliament, because the old one "died, or refused the office, or was found an unfit person."

* Stat. p. 327.

But this is merely one of a series of similar aggressions.

There have been several unimportant alterations made since Elizabeth's time, for the sake of admitting Magdalen, Emmanuel, and Sidney Colleges to the same privileges as the rest of the University.* But the method of nomination still continues the same, except that the Master in most Colleges has now obtained such a preponderating influence, owing to a system which I shall afterwards explain, that it would be more correct to say that *he* nominated, than that the *College* did, as the statute directs. The "interpretation" we just now noticed has been acted upon unto the present day.

Thus we have seen how the Proctors, who are officers of the University, are now chosen, not as was formerly the case, by the University, but by the separate Colleges. The same system has been pursued in the cases of the Taxors and the Scrutators. Its injustice is so manifest, that it is not worth while to offer any further observations on the subject.

The two Taxors are officers, annually chosen, whose duty it now is to regulate the weights and measures used in the town, and who formerly had to make the assizes of bread and beer, and to "tax"

* The cycle now used contains 51 years, in which period King's, Trinity, and St. John's have each 11 turns; St. Peter's, Christ's, Queen's, and Pembroke 7; Clare 6; Corpus, Jesus, Caius, Magdalen, Emmanuel, and Sidney 5; Catherine 4; and Trinity Hall 1.

the Hostels also, as we have seen.* The old code enacted, "that they were to be elected in scrutiny, or open poll, by the majority of the regents."† In 1507, however, a more oligarchal law was passed, which gave the power of nominating six regents to the Doctors and Heads, out of whom the regents "were bound to elect two."‡ The first Tudor code renewed the ancient method;§ the second re-introduced the innovation of 1507 in a still more aggravated form, the nomination being given not to the Heads together with the Doctors, but to the Heads alone:¶ and, finally, the third code introduced the nomination by a cycle of Colleges.¶¶ Respecting the present system, the same observations apply, as to the office of Proctors.

I do not find any thing said in the old statutes about the method of electing the two functionaries, called Scrutators, who, *by the statutes*, merely have the office of taking the votes in the non-regent house. They are mentioned, however, in a law passed in 1467.** Neither does Edward's code specify any thing on the subject. In Elizabeth's first code it is directed, that they shall be elected freely by the regents; †† and her second, orders them to be

* See above p. 15.

† Stat. p. 35. § 65.

‡ Stat. p. 100.

§ Stat. p. 156.

¶ Stat. p. 187.

¶¶ Stat. p. 248. § 37.

** Stat. p. 43. § 80. Their names occur also in the 63rd law of the old code, which is not dated †† Stat. p. 186.

chosen "in scrutiny," by the non-regents, still leaving the election free and unfettered by nomination of any kind.* Three years afterwards, the nomination by the cycle of Colleges was established by grace of the senate, which directs, "that all things prescribed in the statutes for the election of Proctors and Taxors, be inviolably observed in the election of Scrutators."† Now, the statute of Elizabeth for the election of Proctors, ordains,— "that if the office of Proctor, or of Taxor, falls vacant by death, &c. within the year of office, Trinity Hall shall nominate and present a Proctor for the remaining part of the year, &c."‡ It is clear, therefore, that, according to the above grace, in case the office of Scrutator happened to fall vacant by death within the year of office, Trinity Hall ought to present, if "the statutes for the election of Proctors and Taxors are to be inviolably observed" in the case of Scrutators. On the 15th of March, 1825, this case actually occurred; and, in defiance of the express words of the law, the Heads assumed and exercised the power of nominating two individuals, one of whom was chosen by the senate. This illegal usurpation is thus, of course, established as a precedent for the future. It is a curious fact, that the Vice-chancellor, at the time, was the Master of Trinity Hall. The same remarks may also be made respecting the

* Stat. 248. § 36.

† Stat. p. 351.

‡ Stat. p. 247. § 35.

present system, as before when we were discussing the office of Proctors.

The duty of the Esquire Bedells is to attend the Vice-chancellor with their maces, on certain public occasions, &c. &c.; and the office is one of the most lucrative and honourable in the University, being practically held for life. They were anciently two in number;* but, in 1556, a third bedellship was instituted by grace of the senate.†

The old code enacts, that they are to be elected in "scrutiny," by the consent of two-thirds of the whole body (*universitas*) of regents and non-regents.‡ The statute for their election is nearly word for word the same in all the three Tudor codes, and clearly vests the full and free power of choice in the hands of the whole senate.§ After specifying that there are to be "three Heralds, or Esquire Serjeants, (*præcones, seu viatores armigeri*) of equal rank and functions, and one bedell (*bedellus*) of inferior station," it goes on to say, "that whenever the office of one of the three falls vacant, he whom the majority of the regents and non-regents choose, shall be declared Herald, (*Præco.*)"

*Accipe nunc Danaüm insidias, et crimine ab uno
Disce omnes.*

The 40th statute of the 3rd Tudor code, says, as we saw before (p. 39), that the Heads are to have the power of nominating, "lecturers, bedells, &c."

* Stat. p. 39. § 72.

† Stat. p. 130. ‡ Stat. p. 39. § 71. § Stat. pp. 156, 192, 249.

evidently meaning the “bedell of inferior degree,” or “yeoman bedell.” For the fact of his being there named in the plural number, cannot be considered as any objection; because the “stationers” and the “gaugers” also, though similarly named in the plural number, did not, in reality, extend beyond the singular. Neither, indeed, was this argument adduced by the Heads themselves. Will it be believed, then, that, under cover of this 40th law, with the 38th statute staring them full in the face, which clearly gives the full and free power of electing the three Esquire Bedells to the senate, thirteen of the Heads—“as it seemed to them, judging *bonâ fide*,” forsooth!—made a most wicked and hypocritical “interpretation,” November 1st. A. D. 1669, illegally assuming to themselves the power of nominating to the office?*

They argue, that the *Esquire* Bedells are to be understood by the simple term “Bedells;” in which case, *both the nomination and election* of this officer ought to follow the method prescribed in choosing the Vice-chancellor; while they themselves allow, that his *election* is provided for by the 38th statute, and that it is his *nomination* only which is regulated by the 40th statute. The plain answer to this most jesuitical specimen of special pleading, is, “If the 38th chapter referred to the Esquire Bedells, and Queen Elizabeth intended the Heads to nominate to the office, why did she not express her intention in the

* Stat. p. 340.

course of that long-winded law?" The 40th chapter, as was before shewn, evidently applies solely to the academical stations of inferior importance; and it is clear, that the Heads took advantage of the confusion, into which every thing had been thrown during the Commonwealth, and the arbitrary government then established by Charles II. to bring forward this most unjust claim. The Senate, we find, resisted it, and pleaded their ancient rights before the Privy Council; the aggrieved party being the Wm. Worts, Fellow of Caius, who afterwards founded the Travelling Bachelorships. Soon afterwards, down comes the King's Letter, to favour the usurpation of the Heads (December 8th, 1669), declaring, "that, although Mr. Worts had many more voices in the congregation, than any of the others, yet having not been nominated to the said place by the Heads of Houses, his election is void;" and ordering, that in future "the nomination of the persons for the Esquire Beadle's place shall always remain in the Heads of Houses; and that the Senate shall only have the privilege of electing one of the two persons so nominated." * It seems that the Cambridge Senate, however, had not yet learned to submit tamely to the loss of their ancient rights. For we find that another Royal letter was dispatched a week afterwards, by way of clinching the nail. It enjoins, "that, whereas there have

* Stat. p. 297.

been disorders of late in the regent-house, by some of the body contesting with the Vice-chancellor and the Heads; if any hereafter shall offer any affront to the Vice-chancellor, by open cavilling, or contesting, or by abetting one another in any such contest; or, if any shall go about from College to College, or elsewhere, by gathering hands and subscriptions, to make parties and factions to the disturbance of the government of the said University; he shall forthwith for such his offence be suspended by the Vice-chancellor from his office, and from every degree taken, or to be taken.”* Let it be particularly observed, that the Cambridge Senate, though a legislative, is not a deliberative body; and that the only way, therefore, by which bad government can be opposed with effect, is, by “going about from College to College,” and by “gathering hands and subscriptions to make parties and factions,” which must, of course, like all other parties, whether they are in the right or the wrong, “disturb the government” to a certain extent.

The Heads continue the exercise of their usurped prerogative to the present day; and as if the 40th statute did not apply, forsooth, to the Yeoman Bedell, this officer is appointed by letters patent under the hand and seal of the Chancellor.

The old statute for the election of the Guardians of the Public Chest, orders, “that two non-regents

* Stat. p. 298.

are to be elected by the non-regent house, to guard the Common Chest of the University, in conjunction with the Chancellor and the two Proctors.”* The first Tudor code, on the contrary directs, “that *three* masters are to be elected by the whole senate,” (instead of *two* non-regents by the non-regent house,) to perform the same functions “along with the Chancellor and Proctors.”† But the second and third codes come back to the ancient custom of the University, except that the election is vested in the hands of the whole senate, instead of the non-regents.‡ We will return to these officers, as soon as we have enquired into the duties of

The Auditors, who are mentioned by that name in the 59th law of the old Code.§ The 60th law in the same code enacts, “that certain masters are to be deputed annually by the University to inspect the University accounts, and that a balance-sheet is then to be drawn up, (*fiat starrum per modum dividendæ*;) and that any regent whatever may be present, if he chooses, at the Audit.”|| The regulations of all the three Tudor codes are to the same effect, except that it is ordered, that

* Stat. p. 43, § 79.

† Stat. p. 157.

‡ Stat. pp. 194, 250.

§ Stat. p. 30, § 59.

|| Stat. p. 33. § 60. As this last clause is not contradictory to any thing in the Tudor Codes, it therefore remains in force to the present day; though if the right were attempted to be exercised, it would no doubt occasion considerable surprise and consternation amongst certain parties.

they are to be three in number, and that the Chancellor is to be added to them.* We may now take occasion to observe with respect to the "Guardians," that as those of them who, according to the statutes, ought to be freely elected by the University, are only *two* in number, and might on any occasion be out-voted by the Vice-chancellor and two Proctors, who are nominated by the Heads of Colleges; one would think that, unless any thing *very* dirty and *very* mean were intended to be done, this arrangement would have satisfied the autocrats of Cambridge. No such thing. At the present day there are no Guardians of the Public Chest, and no Auditors whatever *elected*, in flagrant violation of the statutes by which the University is pretended to be governed. Elizabeth's law, as we have seen, expressly orders, that these officers are to be "elected," *i. e.* according to the ancient sense of the word, elected in "scrutiny" or open poll. Instead of this salutary provision, a *grace* is annually offered to the senate, "that the two Scrutators, together with Mr. Vice-chancellor and the two Proctors, are to be Guardians of the Public Chest."† By the constitution of the senate, as before explained, this must either be absolutely rejected, or absolutely carried; and thus the University is placed in the disagreeable dilemma, either of determining that the Vice-

* Stat. pp. 157, 194, 250.

† Gunning's *Ceremonies of the University*, p. 17.

chancellor and the two Proctors are *not* to be two of the Guardians—which would be in the very teeth of the statute—or of consenting to forego their privilege of freely electing the remaining two. To the same grace—by way of lumping every thing together—are attached the names of three persons, nominated by the Caput to fill the offices of the three Auditors, although, as we have seen, the law orders that these also are to be “elected.” And by these means the senate is compelled, either to assent to the wishes of the Heads, or to throw the whole pecuniary affairs of the University into confusion. Attempts have been made to restore the statutable method of election, but without effect. In the contemptuous language of Bishop Monk, “the temper of the academical senate just about 1713 appears to have been none of the gentlest. About three weeks after the explosion against Bentley, they aimed a blow at the Heads in general, against whom they were incensed *for not allowing them an auditor of their own*. A scheme was therefore laid for having a Vice-chancellor of their own.”* All these schemes of course failed, and the election by grace of the Guardians and the Auditors all jumbled up together is retained to the present day; and as if the Heads had not power enough already, a Master of a College always makes one of the latter officers. The Cambridge oligarchs cannot

* *Life of Bentley*, note, page 263.

even, as in the case of the Esquire Bedells, bring an arbitrary letter of a tyrannical monarch to bolster up their usurpation. There is nothing whatever to plead in their defence, but the hack-nied excuse of every corrupt corporation, "that they are no worse than their predecessors." Thousands and thousands of pounds pass annually through the hands of the Vice-chancellor, the property of the body of which he is the governor. And notwithstanding that the laws have instituted two Committees, as a check upon him, for the safety of the whole University, the Heads have always scandalously prevented their being appointed in the manner prescribed by the statutes. Verily it is true that Corporations never blush !

The office of Public Orator, one of the most honourable and lucrative in the University, and one too which may be held for any number of years, was instituted about the beginning of the 16th century. The grace directs, "that he is to be chosen by open suffrages by the majority of regent and non-regent masters." And it is afterwards added, "that the voters are to have full liberty to select whom they choose, and are not to be bound individually by the decision of the majority in their Colleges."* There is nothing said on the subject of his election in either of the three Tudor codes, though his duties are treated of in the 44th chapter of the 3rd. According there-

* Stat. p. 112.

fore to the regulation contained in all these codes, "that all statutes not contrary to them were to remain in force for the future,"* the free and unrestrained power of election ought to have remained with the senate. But did it? No. The Heads made use of the same convenient 40th law, which they wielded so jesuitically in the matter of the Esquire Bedells, to give them a pretext for nominating to the office. This system continues to the present day, though its legality was openly disputed in 1727.† It certainly must be quite clear, as before maintained, that the 40th chapter ought to be taken to apply to subordinate offices only, and not to those which are sought after as sources of honour and emolument.

The lucrative and important place of Registrary, or Registrar as he was first called,‡ which may also be held for any term of years, was instituted as early as 1542. There is nothing specified in the old Code, as it stands at present, respecting

* Stat. pp. 159, 191, 271.

† Mr Burford, Fellow of King's College, published a pamphlet at that date upon the subject. Bentley replied to it, but was completely overthrown by a rejoinder from the same author. (See *Monk's Life of Bentley*, p. 524.) Certainly if any thing could have proved the strength of Mr. Burford's cause, it would be the fact of such a writer as Bentley not being able to make any impression upon it. I have not been able to meet with either of these three pamphlets, either in the public library, or in those of Trinity and King's College.

‡ Stat. p. 324.

his election; and therefore we may conclude that it was conducted according to the method universally practised in ancient times—that of scrutiny, or open poll, without any nomination by the Heads or by the Colleges. Neither is there any thing said on the subject in any of the three Tudor codes. The Heads, therefore, as we might by this time have anticipated, soon asserted and enforced their privilege of nomination, by virtue of that same everlasting 40th chapter, which we have had occasion to refer to so often. When the emoluments of the office were very much increased, they still kept fast hold of their prerogative, and retain it to the present day.

The four “Barnaby Lecturers,” as they are now called, from their election taking place annually on the 11th of June, St. Barnabas’s day, were formerly elected by the Regent-house. Each of them received 4*l.* per annum by the terms of the statute.* In 1524, three of these lectureships were endowed by Sir Robert Rede with an annual stipend of 3*l.* 4*s.*; the other one remaining on its ancient footing. There is nothing said as to the mode of their election in King Edward’s code. Cardinal Pole enacted, “that the Vice-chancellor, with the Heads of Houses, was to nominate two regents for each lectureship, and that one of these was to be elected by the regent masters.”† This was evidently the embryo of Queen Elizabeth’s, or rather

* Stat. p. 46, § 87; and p. 65, § 136. † Stat. p. 565, § 2.

Dr. Whitgift's, 40th statute, which we have already so often mentioned. Her first code, however, leaves the matter on the same footing as King Edward had done; and it was not until the second was issued that the Pole scheme was re-introduced, in the shape of this 40th chapter, and extended to a variety of other cases.* In 1684, the Heads issued one of their illegal "decrees," enacting, "that these officers are *to be chosen* out of the Colleges in which the Proctors and Scrutators are for that year nominated;"† leaving the matter undecided, as to *who* are to choose them. At the present day the usual practice is, to allow the Proctors and Scrutators to nominate. Thus, by the same sort of feeling that made the pork-eater bewail his not having been born a Jew, the academic oligarchs seem to have felt no pleasure in exercising a privilege, that did not fly in the face of the statutes which they had sworn to observe! The salaries of these lecturers are still the same as in the 16th century, and the office has long ago become a mere sinecure. See below, p. 61.

To such an extent did the extravagance of these Reverend Doctors in Divinity proceed, that they even attempted to apply this same 40th statute (*perdrix toujours!*) to enable them to nominate Members of Parliament, when the privilege of electing two was conferred upon the University in 1603 by King James I. In other words the Heads

* Stat. p. 251, § 40.

† Stat. p. 503.

of Houses, at that time sixteen in number, arrogated to themselves the power of naming four persons; out of whom the senate was to be compelled to choose two. And their claim, forsooth, was founded upon one of Elizabeth's statutes, as if the good old Queen, who was then in her grave, could be supposed to have given directions about the mode of electing officers, who in her days were nonentities! There is the same hypocritical tone too observable in this paltry effusion of low cunning, which pervaded their other attempts in the same line. They pretend, that all the doubt is about the minor point of when the election is to take place; and in the mean time, while they are splitting hairs about things which nobody regards, they quietly assume and take for granted the point which they are really driving at, namely, their right of nomination.* This is really "too bad." I need scarcely say, that their efforts have not been successful, and that our Members of Parliament are freely elected at present by the whole body of the senate.

The enormous difference between the ancient and modern constitutions of the University of Cambridge must now, I think, be apparent to all. I call then upon that party, which always has the praises of antiquity in its mouth, when any venerable absurdity is to be defended, to join with me in demanding the restitution of our former privileges. The argument of the wisdom of our an-

* Stat. p. 334.

cestors, and the argument of the mischievousness of irresponsible oligarchies, here concur. Tories and Whigs, Conservatives and Liberals, Conformers and Reformers, ought all of them, if they have any regard for consistency, to join in the cry. The *innovations* of the last few centuries have been prodigious! Formerly none were excluded from the University, but those who openly disputed the established religion; now all who take degrees in it must be members of the Church of England. Formerly the Colleges were merely subsidiary establishments; at the present day they have monopolized the privileges and functions of the principal corporation. Formerly the legislative power was fully and freely vested in the two houses of the senate; at the present day they cannot stir a step, they cannot even bring forward one single measure on any subject, however unimportant, without the separate consent of each of the six Academical Tribunes, who are entirely irresponsible for any capricious exercise of their negative. Formerly every office, not excluding even that of the Vice-chancellor, was held by any full graduate the senate chose to appoint; now, as has been shewn, the individual Heads nominate to some, and the Heads collectively to others. Of all those which existed in the reign of Elizabeth, there are but two at the present day, viz., the Chancellorship and the High-Stewardship, to which the senate retains its old privilege of free and uncontrolled election, and

both of these are nothing but honourable sinecures, conferred upon distinguished noblemen. Even here, in the latter case, any member of the *Caput* could, if he dared, interpose his veto ; because the election of the High Steward is conducted by *grace* and not by *scrutiny*. Importance, and power, and patronage are thus taken out of the hands of the University, to which they appertained before, and bestowed upon certain potentates who govern the Colleges. And let it not be thought, that it is but an empty honour they are thus enabled to confer ; most of the offices I have enumerated are worth very considerable sums of money ; and when we consider that College Fellowships, taking one with another, certainly do not average more than 200*l.* per annum, it will be easy to form an idea of the influence this extensive patronage must give the Heads among the resident Masters of Arts. Add to these considerations the means of promoting their obedient followers, open to them in their several Colleges ; and few unprejudiced persons will, I think, dispute my position, when I assert, that the power of the Heads has been increased by usurpation, is maintained by tyranny, and ought to be diminished by legislative enactments.

Let us now consider the past and present state of the University of Cambridge, viewed as a society for the diffusion of literary and scientific knowledge.

The most ancient method of furnishing students with instruction, was by compelling them to attend

at University lectures ; the modern method is by compelling them to attend at College lectures. We have nothing to do at present with the latter, and will therefore proceed at once to discuss the former scheme of education.

At the earliest academic era, of which we have authentic accounts, every M.A. before he was finally created, made oath* “ that he would continue his regency at least for a year,” *i. e.*, that he would read and explain the text-books in his faculty (*ordinariè legere*), and take the direction (*regentiam*) of a hostel,† which last particular was afterwards not exacted when the Colleges became more numerous. This was called his *necessary* regency ; he might if he pleased continue it longer. But he was not considered a regent, nor had he the privilege of voting in the Regent-house, unless actually engaged in the business of University education.‡ The lectures were to be delivered four days in the week during term time, and were to be each an hour long. Every one of these masters was also bound, under pain of suspension from his degree, to exact the usual tuition-money (*collecta*) from his pupils, and under no circumstances to read *gratis*.§ This seems to have been the ancient state of things in the University ; the first innovation upon which was the annual election of three regent masters to deliver “ for the future” public lectures, one in

* Stat. p. 64. § 134.

† Stat. p. 36, § 67.

‡ Stat. p. 34, § 62.

§ Stat. p. 73, § 155.

rhetoric to students of the first and second year, one in logic to the third year, and the other in philosophy to the fourth year and the bachelors,* to whom a fourth was afterwards added to lecture in what was then called mathematics.† Each of these had a *fixed* salary of 4*l.* a year, paid by the masters of Colleges and principals of Hostels,‡ in lieu of the tuition-money formerly contributed by his pupils, the sum total of which varied of course according to the number that attended his lecture-room. The new system seems very soon to have supplanted the old one. We find a statute passed in 1537 complaining very bitterly of the neglect of the ancient custom of new-made M.A.'s "paying diligent attention to disputations and lectures for the first year, and not laying aside either of these laborious duties except when the year was completed;" and also re-enacting the old law, with the addition that the disputations should be continued to the end of the second year,§ the privilege of voting as a regent being prolonged till the expiration of that time. Shortly afterwards the duty of lecturing seems to have become obsolete, and the regency to have been reckoned by the period for which the disputations were enjoined. In Edward 6th's code (A. D. 1549), it is ordered "that all M.A.'s at their creation shall swear to retain their regency for three years, and observe the course of

* Stat. p. 46, § 87.

† Stat. p. 65, § 136.

‡ Stat. p. 65 and p. 104.

§ Stat. p. 116. see also p. 120.

“disputations for the whole period.”* Although this code enters into very minute details respecting the exercises of the different graduates, yet nothing is said in it on the subject of public lecturing as part of the functions of every regent M.A. Cardinal Pole, however (A. D. 1557), apparently re-introduced the ancient system. He enacts in his 5th statute† “that each regent continue his regency “for three years; but be only a *necessary* regent, “as it is called, for one.” Queen Elizabeth in her first code repeats King Edward’s regulation word for word;‡ but in her second, without saying any thing about the duty of publicly lecturing, she declares “that all M.A.’s at their creation shall “swear to retain their regency for five years, and “observe the course of disputations for this whole “period, after which time they shall be non-“regents.” The empty ceremony of swearing to retain the regency is retained to the present day, though not one M.A. in a thousand has the slightest idea of any meaning being attached to the term, further than the right of voting in the Regent-house.§ The Disputations (or Disses as they were commonly called even in letters addressed to Royalty)|| dragged on a lingering existence for

* Stat. p. 163. † Stat. p. 567. ‡ Stat. p. 200.

§ Sergeant Miller tells us, so far back as 1717, that nobody knew the meaning of “keeping his regency” even in his days.—*Account Univ. Camb.* p. 26.

|| Stat. p. 304, &c. The same nick-name was applied to the disputants themselves.

nearly two centuries (as we shall afterwards find), but have now been deservedly consigned to that wallet of Old Father Time,

“In which he puts alms for oblivion.”

Thus we see how the regency in arts at first involved the duty of giving a course of lectures; how this was afterwards commuted for the performance of occasional disputations in the schools; and how these also have at length fallen entirely into disuse.

The four lectures in rhetoric, logic, philosophy, and mathematics mentioned above are now called the four Barnaby lectureships.* They have long ago become mere sinecures, partly owing to the smallness of the remuneration, and partly to the studies of the Faculty of Arts having undergone a complete revolution; but principally because the system of delivering University lectures on the subjects comprehended in this faculty has been discouraged by the Colleges, in order to set up their own lectures in place of them.

I do not think that it would be desireable to *compel* every M.A. at the present day “to retain his regency” in the original sense of the term, because lectures which are given by compulsion will in few cases be good for any thing. But it would be of the most essential service to the advancement of academical learning, if every graduate had full and free permission to deliver public

* See above, p. 53.

in that department of knowledge will soon find their lecture-rooms crowded with students who come voluntarily to seek for instruction. But if you give a man a fat professorship, not to reward him for past exertions, but to encourage him to future diligence in preparing and delivering useful lectures, in almost every case you will get nothing, or else what is good for nothing, for your pains. It is certainly true, that with some few noble spirits, the desire of celebrity, and the ambition of excelling their competitors, will form an object so alluring, as to be sufficient to keep them to their duty. But with the common herd it is far otherwise. To quote the same excellent authority again :—"Great objects, alone and unsupported by the necessity of application, have seldom been sufficient to occasion any considerable exertion. In England success in the profession of the law leads to some very great objects of ambition; and yet how few men, born to easy fortunes, have ever in this country been eminent in that profession!"

We might also quote the case of the German Professors as an exemplification of the truth of these positions. They receive, says Robinson, from £75 to £300 from the various governments as their stipend, on condition of lecturing gratis; but though they are completely in the power of those governments, yet it has become the universal custom "to read no more than one *public* course, and that usually consisting of only one lecture in each

week. The object is to give as little free instruction as will comport with the tenor of their appointments. The *privatim* lectures are those which have thus been introduced. They are precisely similar in their nature to the public ones, and delivered in the same place and often to the same hearers! The only difference is, that for these each student *pays a small fee*; and the professor consequently endeavours to make these courses more interesting and instructive.—Beside the lectures *publice* and *privatim*, instruction is also given *privatissime*, consisting simply of private lessons.”* Nothing can shew more clearly than these facts the irresistible tendency of the human animal “to consult his own interest,” as Adam Smith has bluntly and honestly phrased it.

The history of the Regents in other Faculties, viz. Law, Medicine, and Divinity, is nearly the same. Every M.D. in the time of the old code swore to lecture for *three* years, “unless within that time it happened that another incepted or resumed.”† D.D.’s. swore to retain their regency for *two* years under the same conditions.‡ There is nothing said in the statute just now referred to, as it stands at present, about Doctors in Civil Law; but from another one§ it appears that they lectured, like D.D.’s for *two* years only. It was enacted also

* *Concise View of the German Univ.* part 1.

† Stat. p. 64, § 134.

‡ Ibid.

§ Stat. p. 72, § 152.

that each D. C. L. should maintain an assistant Doctor (*extraordinarium*), "that students, if there were two, might at least have the benefit of one ;"* and it was so managed that one should lecture on a certain portion of the text-books and the other on the remainder.† *Extraordinary* lectures were also maintained in some of the other faculties.‡ This system continued in force till a professorship in Divinity was founded and endowed by Lady Margaret, the mother of Henry VII., in 1502, and five others in Divinity, Civil Law, Physic, Hebrew, and Greek,§ respectively by Henry VIII., in 1540, which relieved the learned Doctors of their former laborious duties. As the stipends of these Professors were *fixed*, the natural consequence was, that they had no inducement to exert themselves ; and until of late years, when the subject has been more attended to, the offices in most cases were mere sinecures.

Bachelors in Arts, Law, Medicine and Divinity, were all bound by the ancient statutes to read publicly the text-books in their respective faculties, without venturing to deliver any comments on

* Stat. p. 49, § 98. The system of ordinary and extraordinary Professors remains in use to this day in the German Universities.— See Robinson's *Concise View*, &c.

† Stat. p. 72, § 152.

‡ Stat. p. 71, § 151.

§ In his letter to the University in 1535, Henry had ordered them to maintain a lecturer either in Hebrew or Greek at their own expense. (Stat. p. 140.) His Professorship of Physic was an enlargement of a former foundation by Linacre in A.D. 1524.

them, (*cursorie legere*;) * the great dearness of MSS. before, and of books for some time after, the invention of printing, and the comparative poverty of the students that frequented the University in those early days, rendered this a very salutary regulation; and there can be little doubt but that it is here we must seek for its origin. In a chapter respecting the *collecta* or tutorage to be paid to the lecturer in Civil Law, it was ordered that each student, *if he had a book*, was to pay 3s. per term when the Digest, and 2s. when the Codex, was lectured upon; *but if he had no book*, he was to make a composition, or the matter was to be referred to the arbitration of the Chancellor, “if the Doctor was too burdensome in demanding, or the student too delicate or stingy in offering.” † The old code even condescends to stipulate, that Bachelors and Doctors in the different Faculties should be in possession of all the text-books at the time of their lecturing, or else borrow them from other people. ‡ When printed books became general and procurable at easy prices, it was natural that the mere reading aloud, what every one might study with greater effect in his own chamber, should be no longer enforced. Accordingly we find that in the case of Arts and Civil Law—the two faculties

* Compare in the old Code §§ 152, and 136; 85, 93, 96, 120, and 121; 90, 92, and 119; 108, 109, and 124.

† Stat. p. 73, § 156.

‡ Stat. p. 49, § 95. p. 52, § 104, &c.

most generally cultivated at that time—the system was early relaxed,* and in the Tudor codes all traces of it disappear.

There is another question connected with this subject which may be mooted. Having established a good system of University lectures, would it be necessary, or would it be desirable, to compel the more or less regular attendance of students, according to the immemorial custom of the University? I answer decidedly not. If lectures on a given subject are really worth hearing, and if sufficient inducements, by the expectation of honours and fellowships and offices, are held out to young men to make them desirous of attaining excellence in that particular subject, they will attend them, and, what is more, attend *to* them, of their own accord. The observations of Adam Smith on this point are deserving of great attention, because he had himself been a Professor in a Scotch University. He says, in the same chapter quoted before, “Where the Masters really perform their duty, there are no examples, I believe, that the greater part of the students ever neglect theirs. No discipline is ever requisite to force attendance upon lectures which are really worth the attending, as is well known wherever any such lectures are given. Force and restraint may no doubt be in some degree requisite, in order to oblige children or very young boys to attend to those parts of education, which it is thought ne-

* Stat. p. 65, § 136. and grace passed in 1542, p. 121.

cessary for them to acquire during that early period of life ; but after 12 or 13 years of age, provided the Master does his duty, force or restraint can scarce ever be necessary to carry on any part of education. Such is the generosity of the greater part of young men, that, so far from being disposed to neglect or despise the instructions of their Master, provided he shews some serious intention of being of use to them, they are generally inclined to pardon a great deal of incorrectness in the performance of his duty, and sometimes even to conceal from the public a great deal of gross negligence."

But suppose for argument's sake that they will not voluntarily come to the lectures. What is the use of compelling them contrary to their inclinations ? The old proverb says, that " a child may lead a horse to the water, but twenty men cannot make him drink." You may drag your pupil bodily into the lecture-room, but how can you force him to drink of the cup of knowledge ? When by a series of vexatious and harassing punishments you have compelled a young man to listen, as you suppose, to what you have to deliver ; will it not be likely that he will doggedly shut his ears, and contract an aversion for the study and every thing connected with it ? It is by treating men like children that they are too frequently led at the English Universities to behave like children. The plan of compulsory attendance was all very well a century or two ago, when mere boys of 12 or 14 were

sent up for instruction;* and no undergraduate was allowed to go into the town without leave from the Tutor or Dean, and then only with a companion to take care of him;† and public floggings and setting in the stocks were common academical punishments.‡ But now that students average about 19 when they first enter into residence, it is really time that the school-boy customs of olden days should be abolished. No argument can be drawn from the attendance at the College lectures, as they at present exist, in favour of the compulsory system. From the nature of the case, it does, and it necessarily must, very frequently happen that these lectures are totally unfit for the persons to whom they are addressed. To some they are incomprehensible—to others they are familiarly trite; and yet all are alike compelled to adapt their in-

* Elizabeth's statutes enact that no student be admitted before the age of 14 (p. 207 and 267); but this order was frequently neglected. In 1727 Dr. Bentley's son was admitted by him a Fellow of Trinity, though only 15 years old. He was then a Junior Bachelor, and therefore must have commenced his academical career at the age of 11.—(*Monk's Life of Bentley*, p. 528.)

† Stat. p. 257, § 47.

‡ For instance the decree of the Heads against bathing, "by day or by night" (A.D. 1571), orders, that for the first offence undergraduates are to be sharply and severely flogged in public, once in the College Hall in the presence of all and every of the Fellows, &c. and once in the University Schools by a proctor, or some officer to be named by the Vice-chancellor. Bachelors of Arts for the same offence are to be set in the stocks in the College Hall for one whole day, and then not to be released till they pay a fine of 10s.

telleets to the same bed of Procrustes. Can it be wondered, that, under these circumstances (to say nothing of the very imperfect way in which they are not unfrequently conducted), it should be an acknowledged fact that without compulsion no attendance at them can in general be expected? How much better would it be, considering the advanced age of students at the present time, to hold out every possible inducement to them to attain to eminence in their studies, to establish a better system of instruction, and then to leave it to their good sense whether they choose to attend lectures or not, according as they find them an assistance or an obstacle to their particular pursuits!

But it will perhaps be said in reply, "This sounds all very well in theory; but in practice it could *never* answer!" Well then, look at the way in which other Universities are conducted. Hear what Mr. Robinson, an American, and therefore an entirely unprejudiced witness, says of the German students, "*who are allowed to attend what lectures they please, and as few as they please.*" "The great body of them," he observes, "are engaged in a course of silent, persevering study. As a general rule they not only all take notes of the lectures, but mostly write them out in full. They are exceedingly punctual; and the few minutes previous to the entrance of the Professor, are usually devoted to mending their pens and putting their papers in order. This is accompanied by a general whistling

and buzz of conversation. The moment the Professor enters, all is hushed ; he begins immediately to read, and they to write ; sometimes without interruption till the striking of the clock. In this way they hurry from one lecture to another, and it is not uncommon for them to attend five or six every day. There are not wanting instances, where a student has in this manner been present at *ten* different courses ; but this is quite rare. They very generally review at home the lectures thus written down, and read or consult the books referred to by the Professor.”* At the Scotch Universities, too, it is entirely left to the good sense of the young men, whether they choose to frequent the lecture-room or not ; and yet it is not found that any of them make a practice of absenting themselves. Unless therefore it can be proved that the minds of human beings in England are differently constituted to those of similar beings in other countries, we are compelled to allow that the antecedents being the same the consequents must also necessarily correspond.

The ancient method of examining into the proficiency of students in every faculty, was by requiring them to dispute orally a certain number of times in the public schools on certain *theses* or questions. The person who maintained the question was called the *Respondent*, and the persons who opposed it the *Opponents*. The former exercise was called keeping

* Robinson's *Concise View*, &c. part i.

an *act*, and the latter keeping an *opponency*, and about one or two acts and four or five opponencies were required for the generality of degrees.

In the most ancient times these disputations were the test of proficiency for the degree of Bachelor in every faculty, and students were publicly admitted to perform them before they were allowed to sue for the honour of Bachelorship. The old forms of admission remain to the present day ; candidates for the degree of B. A. are admitted *ad respondendum questioni* (to be respondents) and other Bachelors *ad opponendum* or *ad intrandum* in their several faculties (i. e. to keep opponencies, or to enter the disputant's seat) ; and it is not till after these disputations have been kept, or supposed to be kept, that they are complete Bachelors. At a very early period however laws were passed to require preparatory disputations *before* this public admission, and then the disputations *after* the admission gradually became a mere form. This was the case with the faculty of Arts as early as the times of the old code ;* but with the other faculties not until Edward's laws were issued. Candidates for the degree of B. A. are still called *questionists* during the term preceding their admission *ad respondendum questioni*, because they are held to be preparing for their *question*. These exercises for a long time after the days of Elizabeth were gone through for form's sake, according to her regula-

* Compare §§ 135, 140, and 141, with § 139.

tions, on Ash Wednesday* and the 5th Thursday in Lent, and the respondent Bachelor was called the Bachelor of the *Tripes*, or stool,† and sometimes simply the *Tripes*, because he stood upon a stool.‡ Hence these two days are still called the first and second *Tripes* days, although the use of the stool has become obsolete, and the ceremony of declaring the rank of certain Bachelors, who have distinguished themselves by taking honours, is merely retained.

For the degrees of M. A. and Doctor in the various faculties, these disputations at every academical epoch were performed without any regular admission some time or other after the degree of Bachelor. It was merely requisite that they should be completed before application for the higher degree. The reason of this is obvious. The performance of them was the peculiar privilege to which Bachelors were admitted, as Masters and Doctors were to that of the delivery of public lectures ; and therefore there was no occasion for any formal admission.

In all cases and at every period these Acts and Opponencies were carried on in syllogistic form and in the Latin language, public notice being given several days beforehand of the subjects to be treated, and one party taking one side of the ques-

* Latterly on the day after Ash Wednesday.

† See a decree of the Heads, passed A.D. 1576, p. 459 of the Statute-book.

‡ See another decree, A.D. 1667, p. 494 *ibid*.

tion, and the other the other. Even before the time of Elizabeth they had been performed in a very slovenly manner, being sometimes executed by deputies,* and frequently altogether omitted;† and though she was particularly anxious to restore them, we find that very shortly after her second Code was issued, they began to be evaded by the *interpreting* powers of the Heads. At the present day in some cases they have merged into a mere idle form;‡ and in others they are compounded for by the payment of a sum of money, varying according to the nature of the degree to be taken. The method is to deposit the money nominally as a caution for the performance of the exercises; and as of course they are not performed, the caution is then forfeited to the University and the matter is at an end.

* Stat. p. 120.

† Stat. p. 170.

‡ On certain occasions it is not even attempted to put a serious face on the matter, and the whole ceremony is carried on nearly in the following way.

Thos. Styles, from the Respondent's seat, speaking in Latin.) Newton was correct; Wood was correct; Locke was correct.

John Noakes, from the Opponent's seat, likewise speaking in Latin.) If your disputations are false, they fall; but they are false; therefore they fall.

These words are repeated until Thos. Styles has kept the requisite number of Acts, and John Noakes, the requisite number of Opponencies. They then change places, and Thos. Styles refutes John Noakes with John Noakes's own syllogism, and *Da Capo ad libitum*.

This method of performing disputations is called Huddling.

It is very much to be wished that the whole system could be entirely done away with, so numerous and so glaring are its absurdities. In fact there is scarcely one of the details that is not most objectionable. It is pretty generally allowed now by all but the most bigoted disciples of Aristotle, that the syllogistic mode of reasoning is entirely useless as an engine for the discovery of the truth, and a very cumbersome and awkward means of expounding it when already discovered. The indiscriminate use too of the Latin tongue on all scientific subjects, must infallibly give rise either to gross barbarisms or tedious circumlocutions. In the latter case the flow of the argument is unpleasantly retarded, in the former a habit is superinduced destructive of every thing like classical scholarship. Moreover the *theses* being assigned beforehand, the lazy or ignorant disputant may easily avail himself of the assistance of his friends, or purchase from needy genius arguments which his own knowledge or talents cannot supply.* And, to crown all, the

* As an illustration of the commonness of this practice, I copy the following amusing anecdote from a pamphlet published by the Rev. R. Bligh, in 1780. "This thesis was read by both us before the same moderator, Mr. Mounsey. It would not perhaps have been surprising, had the moderator complimented the performance, when it came from me, and passed it by unnoticed, when it came afterwards from Mr. Plumptre; as I had a double advantage over him in the delivery of it, it being my own composition and spoken by me first. The contrary of this happened: I spoke it without

plan of taking different sides on every question, especially in the various branches of mathematics, savours so much of the perverted ingenuity of a pettifogging lawyer, that it certainly ought not to be admitted as a necessary part of the education of the academic youth. In the case of theological disputations, it is a downright violation of the statutes, which enjoin that no one should publicly oppose the doctrines of the Church of England. For almost every thesis in this faculty must involve one of the 39 Articles; and therefore either the respondent or the opponent must necessarily argue against it, and consequently infringe the law.

Such was the old plan of ascertaining the qualifications of the various candidates for degrees. The modern system, leaving out of the question the puerile remains of its predecessor, depends on the public examination by printed papers, which has been brought by slow degrees to its present nearly perfect state.

These examinations are conducted in the following way. At a fixed hour the candidates are placed in some building proper for the purpose, and furnished with pens, ink, and paper, but no books or any other assistance whatever. They are then required to write answers to a printed paper of questions in a fixed time, generally about three hours, and until it has elapsed, the examiners or

“the least compliment; Mr. Plumtre received for it the highest token of applause.”—p. 16.

their deputies are constantly moving about in order to prevent any improper communication. Each person at the end of the time gives in his answers, and goes about his business. The same process is repeated again and again. In the generality of cases there are two separate papers given on each day, with an interval of an hour or two between them, and the examination continues for four or five days. Each examiner, before he issues his paper, affixes privately a certain number of marks to it, larger or smaller, according to its greater or less difficulty—say 250 or 500. A candidate, who gives a complete and faultless answer, has the full number of marks allowed him; if no answer, none; and if an imperfect answer, a smaller number, varying according to the nature of the case. The sum total of what he gets by all the papers being then ascertained, his place is finally fixed. For instance, suppose one person obtains 3219 marks, another 3201, and a third 2922, they are placed first, second, and third; and so on, unless two get the same marks, when they are bracketed together as *æquales* (*æq.*) or equal.

This is the most modern system; the older and more obvious plan was to examine *visû voce* or by word of mouth. One peculiar advantage of the former over the latter, is the immense saving of time. Suppose it is necessary to examine 200 students, each for 24 hours, and that you have four examiners to do the work. By the oral method,

allowing 12 hours for a day's work to each examiner, it would take exactly 100 days to finish the operation. By the method of printed papers the 200 students go in for examination all together, for three hours in the morning and for three hours in the afternoon, during four days; this makes up 24 hours for each. And it is found by experience, that all the papers sent in can be properly looked over by the four examiners in about ten more days. In some examinations a very much shorter period is allowed, but we may take this as a fair average. Thus we see, that what by the former plan takes 100 days to complete, is by the latter effected in a fortnight. One reason of this saving is, that by the latter method, if a candidate is perfectly ignorant respecting any question, he finds it out after a little cool consideration, and consequently sends in no answer, and thereby the examiner loses no time; whereas by the former, the examiner is necessarily compelled to wait, while he is boggling and stammering, and trying to hammer out something. Another reason too which may be assigned is, that the long and frequently tedious process, by which errors are corrected, is entirely spared the person who looks over written answers, because he gets them in the most perfect form to which the answerer is enabled to reduce them.

Leaving out of the question a few very slight defects, I do not believe that the wit of man could

by any possibility invent a plan, more admirably adapted than the one we have been discussing, to call forth and develope the talents of young men. Its effects have certainly been most wonderful, and it is to its successful application, that Cambridge owes its glory and renown as the cradle of genius and the temple of literature and science. The plan too, has this additional merit, that it may be applied to every branch of knowledge with equal facility, and with equally splendid results. Strange, indeed, is it that this wonderful instrument for the developement of talent, this high-pressure engine in the world of the mind, should not be more extensively employed throughout the various walks of life ! It would be attended with the best results, if our statesmen and our schoolmasters, our ambassadors, and our apothecaries, our barristers, our officers, naval and military, clerks in public offices, &c. &c. &c., were all obliged to pass a Cambridge examination in the different kinds of knowledge required for their different duties, before they were allowed to enter finally upon them. We should not then see such constant instances, in the various classes enumerated above, of the want of every requisite for the efficient discharge of their separate functions ; and the offices being open to all who could bring sufficient talent and information into the field, and not blindly given away, as they too often are at present, society would greatly profit by the

change ; because a free competition in the market always raises the standard of excellence, while at the same time it lowers the scale of remuneration.

Such is the manner in which the principal examinations at Cambridge are now conducted. It must not be supposed, however, that this high degree of perfection was attained at once. Originally, the *viva voce* method alone was employed, and it is only by gradual encroachments of late years, that the better system has entirely supplanted it in some cases, and is gradually displacing it in others. There are no examinations at the present day which are conducted entirely by word of mouth, while on the other hand, those by which academical distinctions are chiefly obtained, are all of them solely managed by printed papers.

At the period when the old statutes were enacted, degrees were granted by the University in the several faculties of Arts, Civil Law, Canon Law, Medicine, Theology, Music, and Grammar. I shall proceed in regular gradation to trace the history of the length of residence required, and the studies enjoined, at various epochs in all these branches of learning, premising that the academical year contains, according to the statutes, three terms in which residence is demanded, making altogether according to Edward VIth's arrangement, about 244 days, and according to Elizabeth's 220. But the custom was early introduced by the *interpreting* powers of the Heads, and has been

continued to the present time, of keeping *half-terms* only,* although some of the Colleges now exact rather more than the bare half. I shall omit all special notice of the disputations which are enjoined, because, as has been shewn, they are perfectly worthless as a means of examining into the capability of students. Wherever *years* are mentioned in the statutes, *years of residence during the three terms* are to be understood, passed in constant attendance upon the professorial lectures.

Students in Arts (*artistæ*) were formerly bound to wait four entire years, before they could be admitted Bachelors;† they were then to reside three additional years before they were admitted to the degree of M.A.‡ The laws in the three Tudor codes are to the same effect.§ By an *interpretation* of the Heads made in 1578,|| two terms, viz. the first and last, were allowed to be kept without residence; so that at present every undergraduate takes his B.A. degree at the expiration of 3½ years. By another *interpretation* made in 1608,¶ Bachelors of Arts were altogether released from residence.

We have already seen,** that students in Arts were formerly lectured in humanity (*i.e.* rhetoric) for the first two years, in logic for the third, and in

* See Stat. p. 325.

† Stat. p. 67, § 139.

‡ Stat. p. 45, § 86.

§ Stat. p. 147, 179, and 229.

|| Stat. p. 325.

¶ Stat. p. 331.

** Above, page 59.

Aristotle's philosophical treatises for the fourth year, and during the period of their Bachelarship. Bachelors were anciently bound to attend also "any mathematical lectures that were read in the public schools,"* and when the public mathematical professorship was founded, they were directed to pursue the following mathematical course; viz. arithmetic and music for their first year, geometry and perspective for their second, and astronomy for the third.† Henry VIIIth's letter to the University gives orders,‡ that students in Arts are to learn "the elements of logic, rhetoric, "arithmetic, cosmography, music, and philosophy, "taken from the purest writers on those sciences; "and to be lectured upon Aristotle, Rodolphus "Agricola, Philip Melancthon, Trapizantius, &c.; "and that their studies or minds are never to be "allowed to be corrupted with the more than Cimmerian darkness, and frivolous disputes, and "blind and obscure annotations of Scotus, Burleius, Anthony Trombet, Bricot, Bruliferius, and "other fellows of that kidney." Edward VI. on the contrary, ordained that the student's first year was to be devoted to mathematics, *i. e.* "arithmetic, "geometry, and as much as he can manage of "astronomy and cosmography;" the second to logic, and the third and fourth to philosophy; while the Bachelors were to study philosophy,

* Stat. p. 45, § 86.

† Stat. p. 65, § 136.

‡ Stat. p. 137.

astronomy, perspective and Greek.* The books ordered to be read in these departments of learning, were in arithmetic, Tonstall or Cardan ; in geometry, Euclid ; in astronomy, Ptolemy ; in logic and rhetoric, Aristotle's *Elenchi*, Cicero's *Topica*, Quintilian, or Hermogenes ; in philosophy, Aristotle's *Problemata*, *Ethica*, and *Politica*, and Pliny or Plato ; and finally, in the Greek language, Homer, Demosthenes, Isocrates, Euripides, or some other ancient author.† We thus gain a clear and definite idea of what was understood in those days to be comprehended under the different sciences then in vogue. Edward's catalogue of authors is copied word for word in both Elizabeth's codes, with the substitution of Plato for Ptolemy, under the head of cosmography.‡ But her Majesty's distribution of the subjects for the different years is more in accordance with the ancient usage. The statute is the same verbatim in both codes, and assigns rhetoric to the first year, logic to the second and third, and philosophy to the fourth ; the bachelors being ordered "to be constant attendants upon the "lectures in philosophy, astronomy, perspective, "and Greek, and to complete by their industry

* Stat. p. 147.

† Stat. p. 146.

‡ Stat. p. 179 and 227. What Queen Elizabeth meant, probably was that most tenebriose Dialogue of Plato, the *Timæus*, to which we read elsewhere that she was partial. (*Stat. St. John's Coll.* § 9.) In those days no author that was intelligible was considered worth studying.

“ what had been before begun.”* It must be borne in mind that the study of Greek was not commenced in the University till A. D. 1506. The works of Aristotle were read by the schoolmen in barbarous Latin translations, and so late as the days of Edward VI. directions were given “ that Aristotle, and the other authors in each department, be read *in the originals* by the public lecturers of the University and the Colleges.”†

Changes were soon made in the course of studies recommended in Elizabeth’s code, as literary and scientific knowledge advanced. It would be tedious to detail all the minute fluctuations; suffice it, therefore, to say, that the pursuit of the Greek and Latin languages, and that of modern mathematics, gradually absorbed all the other statutable branches of learning. The gigantic discoveries of Newton gave a wonderful impetus to the second, and hence arose, about the middle of the 18th century, the Honour Examination, or, as it is generally called, the Mathematical Tripos.‡ At first, all who were candidates for the degree of B. A. were examined promiscuously on the same subjects, and those who had distinguished themselves, and were thought worthy of extraordinary honours, were arranged by themselves, as having performed “ *optime* ” (or very well), in two classes called senior and junior *optimes*, to which a third, ranking

Stat. p. 179, and 229.

† Stat. p. 172.

‡ For the origin of the term Tripos, see above, p. 74.

above each, was shortly added, by the title of *Wranglers*, from certain syllogistic disputations which they were appointed to perform, by way of distinction.* The names, in all these classes, were arranged in the order of merit.† Afterwards, as the study of mathematics became still more popular, those who were thought to have made great advances in mathematical learning were examined separately, on altogether different subjects from the rest. Thus, the system of taking mathematical "Honours," as it is called, was commenced, which has been of the most material service in exciting the emulation of young men, because it is felt by them that whatever distinction they may thus acquire is a work of choice, and not of necessity. At the present day, men of this stamp are examined solely in mathematics, and thus obtain a degree in "Arts" in what is considered the most honourable way, without necessarily being acquainted *at the time* with more than one "Art." The reading and talent absolutely requisite to obtain a distinguished rank amongst them are of the most exalted description,‡ and the competition between the various

* See the "*Advice of an old Tory to the Vice-chancellor*," printed A. D. 1751, p. 26.

† Until of late years, the Vice-chancellor, the two Proctors, and the Senior Regent of the year, had each the privilege of nominating a Senior Optime from amongst the Bachelors indiscriminately. This absurd and mischievous practice is now discontinued.

‡ Such was the opinion of the distinguished American traveller, Mr. Griffin.—See his *Remains*.

aspirants for the highest place—that of *Senior Wrangler*—most strenuous. Of course, with so excellent a system in operation, the natural consequence is, that the ambition of excelling in the final examination stimulates to unremitting exertion during the whole period of under-graduateship. Hence, habits of intense and continued application are produced, which are of the most essential service in the pursuits of after-life, even if the study of mathematics, as is often the case, is entirely cast aside. On the whole, it may be safely affirmed, that, as an instrument to excite application and develop genius, the mode of distributing mathematical honours at Cambridge stands unrivalled by any similar institution at present existing in the world.

The classical Tripos was only instituted in 1824. None are admitted to sit for it, but those who have obtained a mathematical honour; and even with these, it is perfectly optional whether they go in or not. Men who pass with credit are divided into three classes, which have no particular titles, each arranged in the order of merit. The subjects of the examination are the whole range of the classical Greek and Latin authors, printed papers being given, containing passages to be translated from the Greek and Latin into English, or *vice versa*, and also questions on points of ancient literature. The same may be said of the manner in which it is conducted, as of the Mathematical Tripos.

In the examination for an ordinary, or *Pol* degree (from *οἱ πολλοί*, the many), the subjects are very limited, including merely, according to a change very recently introduced, the Acts of the Apostles in the original Greek, one Greek and one Latin subject changed annually, Paley's Moral Philosophy, and such elementary branches of pure and mixed mathematics as are specified in a schedule, which will be found in the Cambridge Calendar for this year (p. vi). The degree of talent and industry requisite merely to "get through" is of a very inferior description. The names are arranged in the order of merit.

Thus it will be seen that there are now three general examinations, at the usual time of proceeding to the degree of B.A. : 1st. The *Pol*, for those who merely wish their degrees, and are not claimants for any additional honours ; 2ndly. The Mathematical Tripos, for those who are desirous of distinguishing themselves in mathematical learning, or who "go out" in this way for the sake of admission to contend for classical honours ; 3rdly. The Classical Tripos, which is only open to those who have taken a mathematical honour.

Beside these, every Student in Arts is now compelled to pass what is called by the gods "the previous examination," but by the vulgar herd of men "the little-go," before he can be admitted to sit for his degree. The subjects required are a Greek and a Latin classical subject, changed every year,

one of the Gospels, or the Acts, in the original, and Paley's Evidences. The men are arranged *alphabetically* in two classes, the first containing those who pass with credit, and the second those that are *barely* allowed to pass. Of course, as there are always very few, comparatively speaking, in the latter, no honour can be acquired by being placed in the former, because, the names being arranged alphabetically, they are like the Knights of the Round Table—all on an equality.

There has never been any examination for the degree of M.A., Bachelors becoming Masters at the end of three years, as a matter of course, if they choose to pay the fees. At the German Universities, the degree which corresponds to our Master of Arts is conferred at once, at the end of the three years of residence; and we have adopted the plan in the case of degrees conferred upon noblemen. It might, perhaps, be advantageously extended, also, to those who obtain high honours.

If we now take a survey of the studies pursued in the University in the days of the Tudors, we shall find that we have entirely lost sight of Logic, Rhetoric, and Philosophy. Authors, such as Plato and great part of Aristotle, which were formerly read in *translations* for their *matter*, being now read in the *original* for the sake of their *style*—while “cosmography” is but little attended to, and astronomy as it now exists, is as different a thing from the Ptolemaic astronomy of the 17th

century, as modern chemistry from the absurd and incoherent dreams of the alchemists. On the other hand, various branches of mathematics have been introduced since the middle of the last century into the scheme of academical education, and studied with the greatest success; while adequate inducements for the general prosecution of a critical knowledge of the Greek and Latin languages have only been held out by the University for the last twelve or thirteen years. It is clear, therefore, that the faculty of Arts has been in a continual state of flux since the termination of the 15th century, and that the "Arts" in which degrees are now conferred are totally and fundamentally distinct from the "Arts" prosecuted by our ancestors; improvement and innovation having taken most rapid strides within the memory of the present generation.

The residence required at various academical epochs in the three faculties of Civil Law, Medicine, and Theology, it will be most convenient to exhibit in a tabular form. The numbers express terms, (three of which go to a year,) and the asterisks in the line of "Present Usage" denote that all those terms to which they are attached are allowed to be kept by *standing on the College books* instead of *the statutable residence in the University*. The ciphers denote that such a step was not usually taken.

CIVIL LAW.

MEDICINE.

DIVINITY.

	Entr. to BCL.	B.A. to BCL.	M.A. to BCL.	BCL. to DCL. †	M.A. to DCL.	Entr. to M.B.	B.A. to M.B.	M.A. to M.B.	M.B. to M.D.	M.A. to M.D.	Entr. to B.D.	B.A. to B.D.	M.A. to B.D.	B.D. to D.D.	M.A. to D.D. ‡
Old Code....	21	0	15	9	0	36	0	9	3 or 2	0	51	0	21	12	0
1st Tudor....	18	12	0	9	15	18	0	0	9?	15	21§	0	15	12	0
2nd Tudor ..	18	12	0	9	15	18	0	0	9?	15	21§	0	15	12	0
3rd Tudor....	18	12	0	15	21	18	0	0	15	21	30§	0	21	15	0
Present Usage	9 9*	12*	0	15*	21*	9 6* 2 1*	0	15*	21*	3 27*	0	21*	15*	36*	

In the times of the old Code the subjects read in the faculty of CIVIL LAW were the *Libellus Institutionum* with the glosses, the *Digestum Novum* and *Infortiatum*, the first twenty books at least of the *Digestum Vetus* with the commentary and glosses, and the first nine books of the *Codex*.|| By all three Tudor codes it is ordered that the Professor should lecture on “the Pandects, the Codex, or the ecclesiastical laws of our kingdom, which we are going to publish,

† This degree is sometimes written D.C.L. and sometimes LL.D. or “legum doctor,” it being usual to double a letter when an abbreviated word is in the plural, as for instance, MS. *manuscriptum*, MSS. *manuscripta*. I mention this, because it has been absurdly supposed that LL.D. means “*utriusque juris doctor*.”

‡ This degree is now frequently written S.T.P. or Sanctæ Theologiæ Professor.

§ Only allowed if the student at his entrance was 24 years of age or upwards. These persons are now commonly called “ten-year-men.”

|| See §§ 121 and 152 of the old Code.

“and nothing else.”* This last work, though thus promised on three several occasions by royal authority, never made its appearance, and in all likelihood is no great loss to posterity. At the present day all non-graduates are compelled to pass the “little-go” before they can be candidates for a Law-degree, and the present Professor has also instituted an examination for the same class of persons; but the utmost that is required from them is a knowledge of certain portions of his Analysis of Lectures on the Civil Law in three books. There is no examination whatever for B.A.’s who wish to become B.C.L., or for B.C.L.’s or M.A.’s that proceed to the degree of D.C.L. Thus we see that persons may take the name of Bachelors and Doctors in Civil Law, without knowing a syllable about the science; for as to the disputations, they are a mere farce.

The books read in the times of the old Code in the faculty of MEDICINE were a treatise by Johanicus, one by Philaretus on Pulses, one by Theophilus de urinis, and sundry others by Isaac, de urinis, on particular diets, on fevers and on viaticum. Also Nicholaus’s Book of Antidotes, and the books with annotations, viz. a treatise of Tegnus Galienus’s, one on prognosis, another on aphorisms, and a fourth on regimen in acute disorders.† None could be admitted M.D. but those who had been exercised one, or, as it was

* Stat pp. 146, 179 and 227. † Stat. p. 58, § 119.

afterwards ordered, two years in practice.* All the three Tudor codes fix Hippocrates and Galen as the subjects to be read.† It was requisite also that every candidate for the degree of M.B. should have *witnessed* two dissections: if he wished to practise surgery, he was to *perform* them, and to prove that he had attended three patients at least, (*tres curationes*.) After witnessing two additional dissections, M.B.'s might become M.D, when they were authorised to practise "in omni medicandi genere." No dissections were exacted from M.A.'s graduating in medicine.‡ At the present day a non-graduate student in medicine is first of all required to pass the "little-go," and then after producing certificates of examination by the Professors of Anatomy, Chemistry, and Botany, and undergoing a further examination by the King's Professor of Physic, he may proceed to the degree of M.B. In the next term, by a grace lately passed, he may be admitted a licentiate, which authorizes him to practise as a physician, after a further examination by the King's Professor and another M.D. There is no examination required from M.A.'s or B.M.'s proceeding to M.D. though the first of these steps is now seldom taken.

The works mentioned in the ancient statutes as having been usually read in DIVINITY, are the four

* Stat. *ibid.* † Stat. p. 147, 179, 227.

‡ Stat. p. 149, 181, 232.

volumes of the *Sententiæ* and the canonical books of the Bible.* It is ordered by all the three Tudor codes that the Professor of Theology confine himself to lecturing on Holy Scripture. There is at present some sort of examination for the ten-year men,† but none whatever for M.A.'s proceeding to the degree of B.D. or for M.A.'s or B.D.'s that become D.D.'s. All that is required in the latter cases is disputations, standing, and money. As to any superior theological learning necessarily required for obtaining theological degrees in this manner, a child of five years old, if he could but read what others had written for him, would pass through every ordeal necessary for advancement to the grand and pompous title of Doctor of Divinity with as much credit as the best of them. I do not mean to say that all Doctors of Divinity are sciolists in the science—I am well aware that some of them are not—I merely wish to shew, that it would be perfectly practicable to attain the high honour and distinction of the double D, without being acquainted with the shadow of a particle of Theology.

By the old Code regents in any faculty might become Bachelors in CANON LAW at the end of twenty-four terms, others at the end of thirty.‡ After keeping nine more terms, they might proceed to the degree of Doctor. The subjects in

* Stat. p. 54 and 60.

† See page 91, note §.

‡ Stat. p. 50, § 101.

which it was necessary to attend lectures, were the Civil Law, (which might be omitted if the student was in Holy Orders,) the Decreta, Decretales, Clementinæ, and Antiquæ Constitutiones, and certain treatises on simony, on matrimony, on penitence, and on consecration.* When Henry 8th's fiat called forth the Reformation in England, the study of the Canon Law was entirely abolished, and all degrees in it forbidden by royal mandate.† Since that time it has slumbered quietly in oblivion, nor has there been any attempt to restore the system of granting degrees in it, except during the short reign of Queen Mary.

The faculties of MUSIC and GRAMMAR were, at the earliest academical era, included in that of Arts. They were separated from it soon afterwards; for we find no mention of these two sciences in the old statute-book, as part of the studies requisite for degrees in Arts, and we see Bachelors in Music enumerated amongst other Bachelors, in the 116th law of the old Code, and Masters of Grammar legislated about in the 117th. It does not appear that there was any residence ever required for taking either degree; at least there is nothing specified on the subject. Masters of Grammar, however, were bound, like Masters of Arts and Doctors, to lecture for a year, and to commence their course within twelve months after they had graduated. The subject read was the works of Priscian, and

* Stat. *ibid.* and p. 60, § 122. † Stat. p. 137.

what seems rather droll to us, they are specially enjoined by the statute "to scan publicly, on three several occasions, twelve verses of Virgil, after Priscian's fashion," (*declarare versum poeticum ad modum Prisciani in XII. versibus Virgilio.*) We learn from Wood, that "in his time (A. D. 1508), and beyond all memory, no person in this kingdom could teach grammar publicly, until he had been first graduated in, or authorised by, either of the Universities."* Masters of Grammar, and Bachelors and Doctors in Music, all occur in the list of fees, in the two Elizabethan codes;† but it seems that the first degree fell into disuse not long afterwards. Indeed war had been waged against the study so early as the time of Edward VI. This youthful monarch orders,‡ "that 'no one teach grammar in any College, save only in Jesus,' in which he is followed by Elizabeth in her first Code,§ who however graciously gives permission to teach it in Trinity and King's also, but with the reservation that it is to be "to the Choristers only." In her 2nd code, she leaves poor Jesus in the lurch, and enacts positively, that "no one is to teach grammar in any College, except in Trinity and King's, and there to the Choristers only."|| In these degenerate modern times, I am afraid her Majesty's injunctions are not very strictly observed. For half

* *Athen. Oxon.* Vol. I. fasti. p. 12.

† Stat. p. 194-5, and p. 260-1.

§ Stat. p. 202.

‡ Stat. p. 165.

|| Stat. 267.

the College Lectures in Cambridge, are principally occupied in discussing the grammatical niceties of the Greek and Latin languages. So completely have Grammar degrees now fallen into disuse, that very few in the University know that such things ever existed. Degrees in Music are still occasionally conferred, but no residence is demanded. It is merely requisite that the candidate should compose a solemn piece and perform it in person before the University, whether he wish to become a Mus. B. or a Mus. D. Of course—as in the case of all other degrees—there are the fees to pay.

After this long, and, I fear, somewhat tedious detail, it must be apparent, that the state of the University of Cambridge, viewed as a society for the promotion of learning, has, for the last four centuries, been continually fluctuating. Particular degrees have been entirely discontinued—a most extensive and unstatutable substitution of standing for residence has taken place—the old system of disputations has become a mere mockery—the new system of examination by Printed Papers has started up—professorial lectures in the faculty of Arts have been abolished—collegiate lectures have been established instead of them—the required periods between different degrees have varied—and, finally, whole sciences have been entirely swept away, and new branches of modern learning, the glorious fruits of modern discovery, substituted in

their place. Away, then, with the senseless clamour against innovation ! If the University had existed in its present state since the Reformation, or even for the last century, we might allow some force to the argument of antiquity. But we have seen that it is not so. Almost within the memory of the present generation, an entire revolution was accomplished in the studies of the academical youth, and the fields of modern analysis were laid open to them, as the course whereon to strive with generous emulation in the race of fame. Nay, it is actually scarce a dozen years, since the Greek and Latin classics were publicly proposed as a general pursuit for young men of industry and talent in the University. The present state of things, therefore, can only be defended on the plea of utility. Let us proceed to examine, whether some of our institutions can be safely said to be advantageous, and whether any additional studies might be introduced with beneficial effects,

To begin with Law, Medicine, and Theology —

—— the three sisters of old,
Who in pious society guttle and scold—

I see no occasion why we should meddle with the first and last. Certainly, no *very* high degree of knowledge is acquired at Cambridge in either, nor is it desirable that the generality of the studious sons of Alma Mater should employ their minds either in unravelling the endless intricacies of the

Roman Civil Law, or diving into the muddy waters of Polemical Theology. But still the degrees themselves are perfectly harmless, nor is any single person one jot the worse off, because his neighbour is a Doctor of Laws, or of Divinity. It may be objected that the University ought not to confer titles, which convey the erroneous impression amongst society, that their possessors are really adepts in the sciences in which they have graduated. But let the objector wait a few years—

I think I hear a little bird which sings—

The people soon will scorn these titled things.

An LL.D. or D.D., who is now a very big man indeed, and the oracle of the whole neighbourhood, will then shrink to his own insignificant dimensions, and be looked upon merely as a silly old fellow, who, having lived the requisite number of years, and being in possession of a score of guineas or so, which he did not really know what to do with, chose to bestow them in purchasing the somewhat Æsculapian prefix of "Doctor." I would, therefore, allow the present system to go on, as long as worthy persons can be found, who will pour their gold into the Academical coffers in exchange for a mouthful of wind. Poor old gentlemen. They are, doubtless, highly gratified! And as long as society remains in its present blessed state of ignorance on the subject, and they can please themselves with their rattle, and per-

suade mankind that they are big-wigs and philosophers, it would be really cruel to prevent them from amusing themselves in so innocent and harmless a way.

But the case of the other faculty—that of Medicine—is entirely different. The question now is, not whether certain persons are to be called Mrs. or Drs., or whether a certain number of guineas are to remain in the pockets of an individual, or to be transferred, by the “Open, Sesame!” of two or three capital letters, into the treasury of a wealthy corporation. But it is a question whether ignorant quacks are to be let loose on the public, with a general license to slaughter—not hares, pheasants, and partridges, but men, women, and children. The responsibility incurred by the University in granting medical degrees, as she has hitherto done, is most awful. It is allowed, I believe, by all who understand the subject, that great and populous cities are the only fit situations for schools of medicine; for it is there only that diseases and accidents of the rarer kinds can be expected to be met with. The immense extent of London naturally points it out as the focus of the medical profession in England,—it has every advantage found elsewhere, and many that are peculiar to itself. The idea of setting up two small provincial towns, such as Oxford and Cambridge, as the exclusive sources whence the Fellows of the College of Physicians are to be drawn—who are

generally considered as the most highly-gifted members of the profession—is so supremely ridiculous that it scarcely deserves refutation. When Galen and Hippocrates regulated the practice of the modern professors of the medical art, it might be very well to demand that every disciple of *Æsculapius* should put himself in a situation to become acquainted with their works. But now that these authors are laid on the shelf—when any surgeon or physician, who should even quote their names as authorities in a Metropolitan Hospital, would be saluted with a universal roar of laughter—it is really *too* absurd to continue the old system. I do not mean to quarrel with the *mode* of passing candidates for the degree of M.B. at Cambridge, (though I believe the examination is not conducted in so strict a manner as it ought to be, considering that every imperfectly qualified physician is neither more nor less than a murderer), but I *do* find fault with the undertaking to pass them at all. The science of medicine, in its present improved state, is not one that can be learnt in the closet. All attempts to form extensive generalizations in it have failed, from the wonderful variety and inextricable intermixture of different diseases, and the only certain road to a successful practice is that eye-skill to be derived from long experience, cautiously guided in part by general rules, which catches the symptoms of a complaint at a single glance. Strictly speaking, and in the

literal sense of the word, the best modern physicians are *empirics*—their mode of treatment is not tied down by fixed maxims, but directed principally by *empiria*, or experience. Besides, by the present system the University is placed in a strange dilemma—either her graduates in medicine are educated in Cambridge, or they are educated elsewhere—in the former case I have shewn they cannot be properly qualified—in the latter, the Hospitals and Medical Schools, where the requisite knowledge was obtained, may fairly complain that, having conferred the skill, they have a right to the honour and profit of conferring the degree.

“*Hos ego jam medicos feci; tulit altera honores.
Sic vos non vobis mellificatis, apes.*”

The degrees conferred in Music are so perfectly unobjectionable, that there does not seem any occasion for interfering with them. Neither, on the other hand, do I think that any improvement can be made in the examinations in the Faculty of Arts, as at present conducted, whether for honours or for an ordinary degree. The important alterations introduced this year seem likely to prove extremely beneficial.

But there is another question connected with this last Faculty, which may be mooted. Are there not other “Arts,” besides those now comprehended under the term, to which it would be advisable to apply the same herculean engine, which has been used with such good effect in the case of classical

and mathematical studies? Would it not be beneficial to the cause of learning in general to establish other Honour Examinations, in addition to those which have been instituted so recently? If we take a review of the state of the sciences at the present day, we may divide them, I think; naturally into three great classes.

1st. The sciences of Hypothesis, viz. Pure and Mixed Mathematics, which consist of long and refined trains of reasoning, founded on a few suppositions relative to number and magnitude. In the case of Mixed Mathematics, or Natural Philosophy, the truth of certain laws is also assumed, which are concluded by a process of induction to prevail in the world we live in. Still, as those laws merely form the basis of the subsequent reasonings, the reasonings would equally follow from the premises, were part of the hypotheses found not to agree exactly with experience, or were the laws of nature to be suddenly altered. And in this sense the *whole* of Mathematics is essentially eternal and immutable, and must be equally true in every state of existence.

2ndly. The Natural Sciences, which are generalizations of an immense variety of circumstances not subject to our control, which we observe to prevail in the world we live in, but which there is no proof prevail in other remote systems. They may, perhaps, be divided for convenience' sake into three subordinate groups—

A. Those relating to the Human race considered collectively and individually, as the sciences of History, Statistics, Political Economy, Ethics, and the History of the Human Mind.

B. Those relating to inferior organized matter, as the multifarious branches of Natural History.

C. Those relating to unorganized matter, as Chemistry, Mineralogy, Geology, &c.

All these sciences consist of little but bare inductions from facts, without any elaborate superstructure formed by the reasoning powers. They would therefore be *partially* false, were part of the laws assumed to exist found to be inconsistent with reality, and *totally* false if the system of nature were suddenly changed by the fiat of the Creator.

3rdly. The conventional sciences, which are imperfect generalizations of circumstances that are dependent upon the fancies of the human race, and actually do vary most essentially at different periods and amongst different nations. Such for instance are Architecture, Languages, and Laws. Properly speaking, the modern induction cannot be applied to these subjects, because we cannot here conclude, from observing a circumstance to prevail in ninety-nine cases, that it will also prevail in the hundredth. Although nature may be safely assumed to be invariable and constant in her operations, yet nothing is more inconstant and inconsistent with itself than the human will. These sciences therefore—if they can be considered to deserve

that name—can only be said to be true, as far as we have actually ascertained them to prevail by experience. And as it is impossible to reduce the majority of the facts to general laws, from the capriciousness of arbitrary usage, the exertion of the memory requisite to retain them becomes much greater.

It will thus be seen that of these three grand classes, the first calls the reasoning powers principally into action ; the second, the powers of generalization and induction ; and the third, the memory. Why is it that the first and third are to be exclusively cultivated by young men of talent to the neglect of the second ? Is it that the power of induction itself is of no importance and not worthy of being roused into vigorous action by the stimulus of Academical patronage ? Few persons at the present day would venture to assert this. Are the sciences then on which it chiefly employs itself so trifling and so useless, that they are not fit to be received into the scheme of academical education ? None but those, who are blind to the wonderful and interesting discoveries made in them of late, could advance such a position. The only reason that I can perceive is the very recent period at which most of them have been called into being. The spirit of innovation has always been most loudly deprecated in our Universities, and there is no place where the attachment to old usages is so strong. But these are not times in

which it is safe to remain far in the rear of improvement. When the tide of public feeling sets so strongly in favour of reforms, political, civil, and ecclesiastical, the swimmer who attempts to stem it will be overwhelmed in its waves. The only studies at present pursued with success at Cambridge are Classics and Mathematics. Though they are both admirably adapted to call forth certain faculties of the mind, still in the great world they are in themselves almost entirely useless. In what I have called the natural sciences, and in the study of certain of the Oriental Languages, and of those spoken on the Continent, the direct reverse is the case. Were they successfully prosecuted at the University of Cambridge, it would become the great nursery of statesmen, orators, diplomatists, philosophers, and linguists, and the focus of all the various departments of practical knowledge, which are now principally cultivated in the metropolis. These pursuits, too, have the additional advantage of being of so pleasing a nature, that most young men dabble a little in one or other of them merely for the sake of amusement. If then the stimulus of honourable emulation were brought to act on them, it may easily be imagined with what vigour and ardour they would be entered upon. Now nothing would be easier than to institute additional Triposes in new branches of learning, and if this were done the end would be at once attained. Such a step

would be no hardship or injustice to any one ;— the new examinations would be on the same footing as the present ones—being merely a means of distinction open to all but compulsory upon none. I firmly believe that, were this once effected, the number of the idle and the dissipated among us would be most enormously diminished. Men would be perfectly ashamed then of doing nothing—they would have no excuse for their indolence ; no matter what their talents and studies might be, they would be in possession of the means of exhibiting them to the world, and those who went out in no Tripos at all, would be obliged to confess to every one that they were dolts and dunces. At present nothing is more common, than to hear youths pride themselves upon their knowledge in some of the studies I wish to see introduced, and complaining bitterly of the exclusive attention paid to Mathematical and Classical pursuits. Neither let it be said that the University has no means of organizing a system of the kind. She possesses men of the most philosophical minds, and the most extensive knowledge in all these departments of learning—many of whose names are already well known to the public—who would be able and willing, if she chose to summon them forth, to conduct the public examinations in the most unexceptionable manner. But even were it not so, philosophers of distinguished reputation elsewhere would, I am sure, lend their aid for a few years to

effect this object—and a few years would be all that would be necessary. For we should soon see a young academical generation spring up, under the fostering influence of the new system, abundantly capable to perpetuate and improve it. The only objection seems to be an absurd jealousy which prevails, that, if other pursuits were introduced, Mathematical and Classical learning would be neglected. I am inclined, however, to think that the loss in that way would not be great. Nobody pretends to say that the study of Mathematics has declined among us, since the institution of the Classical Tripos. Why then should we suppose that these two departments would be thrown into the shade by carrying out the same principle still further? But even if there were some dozen or two of men prevented every year from taking a Mathematical or Classical Honour, this disadvantage (if it be one) would be more than counterbalanced by the improvement in the general character of students. It is as clear as day, that after young men have left school, and been placed in what is necessarily a state of comparative freedom at the University, the idea of *forcing* them to attend to their books by any discipline, however strict, is perfectly idle. The utmost that can be effected, is to hold out every inducement to them to do so, by exciting their emulation, and rewarding their industry. Were the present plan adopted, new and interesting fields of distinction would be

opened to their view, and what is even now studied, but with a degree of listlessness, arising from the feeling that "it won't come in," nor "tell" for their degree, would then be devoured with all the eagerness of an honest and praiseworthy ambition. I would propose, therefore, to institute five new Triposes, conducted on the same plan as those at present existing, in the following subjects :—

1st. Ancient and Modern History, Political Economy, Moral and Political Philosophy, and the History of the Human Mind.

2ndly. Natural History in all its branches.

3rdly. Geology, Mineralogy, Chemistry, Electricity, &c.

4thly. The principal Oriental Languages, and

5thly. The principal languages of modern Europe ;

doing away, at the same time, with the present necessity for obtaining a Mathematical Honour, before the student can sit for a Classical one. It may be thought that each of these divisions embraces a wider range of matter, than could conveniently be comprehended by the intellect of a single individual. But those who know the gigantic exertions which are frequently made by candidates for Honours under the present system, and are aware of the vast sweep of reading required for a Senior Wrangler's degree, and the long list of authors which must be carefully digested by a Captain of the Classical Tripos, will agree that

there would not be more to be accomplished, than might be fairly and reasonably expected from the diligent and industrious student. At the same time let it be constantly borne in mind, that the present state of things cannot be defended by its antiquity. Those who cried out against the introduction of the Greek language in Henry VIIIth's time, and those who wished in the last century to exclude the Newtonian, in favour of the Cartesian philosophy, had much stronger arguments in their favour than any sticklers against innovation at the present day.

We now come to the consideration of the subsidiary corporations, denominated Colleges. We have already, as we passed along, gathered so much information respecting them, that it will not be necessary for us to delay long on the subject. We have seen that they were posterior to the University in point of time; that they gradually usurped its functions, and at length entirely supplanted it. We have observed how they robbed the academical senate of the power of electing academical officers, and how they were in turn robbed of the privilege themselves, in many cases, by the Heads of Colleges acting collectively. We have witnessed their receiving new codes from various Sovereigns, and from time to time, even up to the present day, obtaining powers from the Crown to act in a manner diametrically opposed to the will of their founders. It now merely remains for us to examine a little

more in detail into their history, as corporate bodies, and as educational establishments; and in order that we may not be confused by the multiplicity of objects, we will confine ourselves principally to the two great Colleges, Trinity and St. John's, beginning with the former.

Trinity College, as has been before hinted, was founded by Henry VIII., by seizing upon two independent and ancient Colleges, adding a new mass of estates, and fashioning the *three* elements thus combined into *one* body, to which he therefore somewhat irreverently gave the appellation of "Trinity."* The two Colleges thus seized upon by him were called St. Michael's House and King's Hall—the former founded by Hervey Staunton, the latter by Edward III., both of whom are commemorated as benefactors in the dinner-grace, &c.

* It is commonly supposed that there was a *third* ancient foundation seized upon by Henry VIII., called Merton Hall, but without any authority, as far as I can discover. There is no mention of any such Hall in any of the old Histories of Cambridge, by Caius, Fuller, Parker, &c., which contain copious lists of all the Colleges, Halls, and Hostels. The idea seems to have taken its origin from the circumstance of a part of the College having been known, time immemorial, by the appellation of "Mutton Hole corner," which has been converted by some ingenious antiquary into "Merton Hall corner." The real etymology of this term, however, is probably analogous to that of Mutton-lane in London; and if so the phrase must have been coined in Charles II.'s time. The mistake would have been scarcely worth noticing, had it not been one of the very few into which Mr. Malden has fallen.—See his *Origin of Univ.*, p. 106.

unto the present day. The first code by which the new College was governed was given it by Edward VI., King Henry having died shortly after he had issued his letters patent for establishing the society. In the reign of Philip and Mary a new code of statutes was prepared, to supersede those of King Edward; but they were never completed, nor did they ever receive the royal sanction. Finally Queen Elizabeth, having dispatched a body of nine commissioners to the University to enquire into the state of matters there, issued, under the authority of the Great Seal, the code by which we are at present governed.*

According to the provisions of this very elaborate document, the whole power of making new regulations, not contrary to the old ones, and of electing every College officer whatever, is vested in the master and eight senior fellows. (§§ 11, 36, 37.) The master is bound to reside for eight months in the year; (§ 5.) every M.A. fellow for 302 days, and every B.A. fellow for 325 days. (§ 22.)† It is provided also, that the master may have four pensioners under his tuition, and every M.A. fellow one, *but no more*. (§ 14.) Similarly in the St.

* Preface to the *Statutes of Trinity College, Cambridge*, printed in the 5th Report of the Education Committee, A. D. 1818.

† I need scarcely say, that the statutable residence has never been enforced. Dr. Wordsworth informs us, in a pamphlet which he has just published (p. 53), "that for the last sixteen years he has resided on an average between four and five months annually" at his living of Buxted in Sussex.

John's code the master is allowed to have four, and each fellow, whether M.A. or B.A., two, *but no more*.* Hence, taking the M.A. fellows at fifty, which is about their average number, the statutes only allow the admission of fifty-four pensioners *at the very utmost*. Add to these the ten B.A. fellows, the sixty-two scholars (discipuli), the thirteen sizars, (§ 15.) and also a dozen subsizars;† and we obtain a grand total of 151 persons in the pupillary state, *beyond which number the College cannot statutably go*. Now at the present day there are always more than double, and sometimes nearly treble as many on the boards. It is evident therefore, that if the College statutes were strictly observed in this point, the public usefulness of the Society would be very much diminished.

Come we now to another consideration. What was the office of these tutors, with their solitary pupils, like a hen with only one chicken at her tail? We find that they had to superintend the morals of the boys committed to their charge (for they were only boys in those days), and not on any

* Statutes of St. John's College, Cambridge, § 20; printed in the same Report of the House of Commons.

† The subsizars are the body from whom the sizars are elected, as the pensioners are the body from whom the scholars are principally elected. I have therefore taken their numbers in about the same proportion to each other, as the number of the subsizars is not specified. It must be remembered that the fellow-commoners are always termed "pensioners in Fellows' Commons" in the statutes; and are therefore included under the general term "pensioners."

account to allow them to go out into the town by themselves. They are also enjoined to assist them, if necessary, in their lessons; but their grand office was to superintend their accounts, and settle for them once a month with the College, to which they were personally responsible for payment. Now as it was clearly a desirable thing in those days to obtain one of these pupils (for otherwise it would not have been enjoined, "that no M.A. fellow should have *more* than one pensioner under him, and that no B.A. fellow should be allowed *any pensioner at all* ;") it is evident, that they must have paid tuition-money. Else who would have been fool enough to seek, as a desirable object, the privilege of becoming surety for a harum-scarum lad of fourteen? The amount of tuition-money is however no where specified in the statutes, and it was most probably a matter of private arrangement. But the fact of its payment having been contemplated by the statutes is a sufficient answer to those, who have condemned the demand of it at the present day, as a violation of the charitable intentions of the founder. The whole amount now exacted from a pensioner is only 10*l.* per annum, which is less than he would pay, for instruction alone, in any respectable day-school.

But by whom were the College lectures delivered? For this purpose one head-lecturer, four sub-lecturers, and four lecturers were annually to be chosen by the master and seniors. The head-

lecturer was to lecture in the College Hall on certain works of Aristotle, and on *no other author*; the four sub-lecturers on various logical works, amongst which some obsolete treatises by Rodolphus Agricola, and by John Seton, are severally assigned as the statutable subjects for the third and fourth of them. Out of the four remaining lecturers, the first was to lecture on Greek, the second on Latin, the third on mathematics (viz. arithmetic, geometry, the knowledge of the sphere and cosmography, astronomy, and music); and finally the fourth is enjoined to lecture in Greek grammar, on the works of three obscure authors, whom nobody ever hears of now—Clenardus, Ceperinus, and Gaza.

Such are the statutable regulations; which, it must be evident to every body, cannot be observed in the present state of literature and science. In one respect they are positively and grossly contradictory to the statutes of the University, compiled by the very same royal commission, as well as to those compiled by its successor. We are there told, "that no one in any College is to lecture on grammar, except in Trinity and King's, and then only to the choristers."* Now (as we have just seen), the statutes of Trinity College appoint a lecturer in Greek grammar, and it is especially provided, that he is to explain "the declensions and conjugations" to the "youth"; (§ 9.) which last phrase cannot be considered to apply to the

* See above, p. 96.

choristers; not to mention, that there is a person especially provided "to teach the choristers grammar." (§ 1.) This contradiction is evidently the reason, that for the last 120 years and upwards we have had no "Greek grammar lecturer" appointed; which has been alleged against the College as an improper deviation from its statutes.*

It is well known, that the value of money has most materially diminished, since the time when all these codes were drawn up. To give an instance from the documents themselves; in the table of fees for degrees, first inserted in the 2nd and 3rd Tudor codes, we find the two following items:—"3 pair of gloves *or* 6*d.*"—"a dinner for the 3 bedells *or* 12*d.* to be divided amongst them."† Hence we gather, that a pair of decent gloves cost at that time in Cambridge 2*d.*; and that a dinner for a gentleman might be furnished for 4*d.* For convenience sake we will therefore suppose, that money was then worth exactly ten times as much as it is at present. Now the stipends of these annual lecturers, mentioned before, which are of course in addition to the stipends that they receive simply as fellows, are fixed in the statutes at rather less than 3*l.* for the eight lecturers, and exactly 6*l.* for the head-lecturer. (§ 43.) If therefore we were to multiply these sums by ten, we should obtain salaries respectively of 30*l.* and 60*l.* But it must be recollected,

* Miller's *Account of the Univ. of Camb.*, p. 108.

† Stat. p. 194, 196, and p. 260, 262, § 49.

that the change in the value of money took place very slowly, and that our ancestors were by no means so well acquainted with political economy as we are. No one will be surprised therefore at hearing, that this increase in the salaries, according to the fair proportion, has never taken place; and that consequently, even at the beginning of the last century, the duties of these lecturers were very negligently performed,* and have now for some time been commuted for the very arduous office of conducting the annual College examinations; though even for this comparatively slight labour they are worse paid than any of the University examiners.

Who is it, then, who performs the actual duty of lecturing at present? A new, and somewhat unstatutable system has grown up amongst us. Instead of any M. A. Fellow whatever being allowed to officiate as College Tutor, the Master has for many years back assumed to himself the right of nominating two or three, by whom alone this privilege is to be exercised. These "Tutors," as they are now exclusively called, not only become security to the College for their pupil's debts, but also undertake the duty of supplying the place of the statutable lecturers. They are the most important, powerful, and well-paid functionaries amongst us, and their office is the most considerable in every point of view, in the Society. Of

* *Miller's Account Univ. Camb.*, p. 108.

late years also it has been usual for the Master to nominate others of the Fellows as "Assistant Tutors." These last at present are eight in number, and we learn from a pamphlet recently published by the Rev. J. W. Blakesley, who is one of them, that they receive "a hundred or two" as their salary, in addition to their Fellowships. They have, however, nothing whatever to do with the discipline and pecuniary affairs of their pupils; but are merely officers, paid by the "Tutor" at whatever rate may be fixed between them, for their services in lecturing his "side" or class. It must, I think, by this time be quite apparent, that this is a state of things, which ought not to be allowed to exist any longer. By the College code, *all College officers whatever* are elected by the Master and Seniors, and admitting the propriety of appointing these "Tutors," which I do not at all dispute, they certainly ought to be appointed, not by the Master, but by the Master and Seniors. Far be it from me to throw out any insinuation against our present worthy Master, Dr. Wordsworth; but the husband of Domus, like the wife of Cæsar, ought to be free even from the shadow of a suspicion. It is a notorious fact, that within the last few years some half dozen gentlemen have been passed over in nominating the Assistant Tutors; and although, from knowing that there might have been just cause, in one or two of the cases, for such a measure, I conclude, and believe, that there was

some equally valid reason in the rest of them ; yet all other persons might not be similarly charitable. They might enquire, by what peculiarity of the doctrine of chances it happened, that all who *were* nominated were Conservatives, and all who *were not* were Liberals ; and they might insist upon it that the disposal of College offices, from a political or personal bias, could neither redound to the honour of our Collegiate institutions, nor to the advancement of literature and science. Nobody could deny that such charges, however unjust and unreasonable, yet bore an appearance of truth upon the face of them, which it would be far better to avoid. It would therefore be decidedly advisable to ease the Master of the unmerited odium, to which he may in this manner subject himself, and to place the power of electing both Tutors and Assistant Tutors, where it ought statutably to be placed—in the Governing Body of the College.*

* It was by virtue of the power we have been discussing, that the Master of Trinity College, the author of “ Who wrote Icon Basilike ? ” deprived the Rev. Connop Thirlwall, the author of the History of Greece, of his Assistant Tutorship ; and, as many thought, wished to deprive him of his Fellowship likewise. What created the necessity for this step, was the circumstance of Mr. Thirlwall having published his celebrated “ Letter to Dr. Turton,” which, as the Morning Chronicle remarked, “ was a composition that could neither be answered nor forgiven.” Dr. Wordsworth observed in his rescript on the subject, “ that the letter appeared to him of a character so entirely out of harmony with the whole constitution and system of the College, that he found some difficulty

The Mastership of Trinity, as is well known, is in the gift of the Crown. (§ 2.) The Fellows, according to the statutes, are to be elected by the Master and eight Seniors from amongst the B. A. scholars; and the first direction given is, "that those *ONLY* are to be chosen, of whose piety, learning, and morals, the electors have formed a good opinion." (§ 12.) The examination into their acquirements is to last four days, six hours being devoted to it every day. The examination on the first day is to be confined to logic and mathematics; on the second, to natural and moral philosophy; on the third, to the languages, the historians, the poets, &c.; and on the fourth day, they are to have a theme and a copy of verses set them, and to display their abilities in *singing*. It is directed also, that *CÆTERIS PARIBUS*, the poorer are to be preferred to the richer; those born in the counties, where the College estates lie, to those born elsewhere; and those who can *sing* to those who cannot. The statute for the election of scholars is nearly to the same effect; it is specified, that they are to be elected out of the members of the College

in understanding, how a person with such sentiments could reconcile it to himself to continue a member of a Society, founded and conducted on principles from which he differed so widely." It has, however, been since stated, that the Master by no means intended to suggest to Mr. Thirlwall, that he ought to give up his Fellowship; and we are, of course, bound to believe the assertion.

in preference to men of other Colleges. There is also a proviso, that no possessor of, or heir to, an estate (*hæreditas*) of above 10*l.* per annum in value is to be chosen; and it is likewise enacted in another statute, (§ 8.) that if any Fellow succeeds to any life-interest of the amount of 10*l.*, he is to vacate his Fellowship. It is evidently nugatory, in the present state of the value of money, to attempt to enforce these last rules *literally*. For if any Fellow had an annuity of 10*l.* bequeathed him, he would refuse to accept it, rather than vacate a Fellowship worth about 200*l.* When we consider, on the other hand, how much political economists differ, even in the 19th century, with regard to the proportion of the value of money in Elizabeth's time to the value of money at the present day, we cannot be surprised, that the College should never have attempted to fix it, in order to act upon the *spirit* of these enactments. Supposing we took the proportion used above, (that of ten to one,) which is perhaps not large enough, we should exclude all Fellows with a life-interest of 100*l.* But it is clearly a case, that can only be decided upon by some competent body appointed by the Legislature.

By the College Code it is enacted, "that if either the master of the College, or any fellow shall have contracted marriage, (*matrimonium contraxerit*,) he is immediately to vacate his office." (§ 39.) This statute has always been enforced with respect to fellows, but not as regards the master. To the

latter dignitary the Crown, as is said, grants in each separate case a special dispensation from the law. Bentley, for instance, married shortly after he obtained the mastership of Trinity. There is a similar enactment in other ancient College codes, that I have inspected, and it has been observed precisely in the same way. There is also a royal letter of Queen Elizabeth's, to the University, directing "that no head, or member of any College, shall keep his wife, or any other woman, within the precincts of his College;" and the reason that is assigned is, that "their households, with their wives, children, and nurses," may not hinder "the quiet and orderly profession of study."*

The management of the funds of the College is by the statutes entrusted to certain officers, elected, like the rest, by the master and eight seniors. According to the 35th law, when any of the College estates are to be let, besides the usual eight seniors, an additional eight must be called in; and it is "in the hands of the master and these sixteen seniors (*penes eos*), that the power of letting all rectories, manors, farms, &c. is vested." It is also ordered, by the 45th law, "that no annuity whatever shall be granted, without the *unanimous consent* (*unanimus consensu*) of all the sixteen." At the present day, however, to make use of Serjeant Miller's words, "the eight juniors of the sixteen are never called "to the hiring, or making the bargain for a farm,

* Stat. p. 275.

“ or setting the fine for a college lease ; but after “ the lease is engrossed, they are called only to be “ present at the sealing.” And until a very recent period, “ it was never publicly made known to “ them,” as he subjoins, “ what fine the tenant “ pays, which is the substance of the bargain ; at “ the making of which it is plain, the intent of the “ statute is, that the sixteen should be all present.”* Neither, on the other hand, is the enactment of the 45th law very rigidly complied with ; for it was but the other day, that £300 was granted to Bishop Blomfield’s fund, for building new churches in the London diocese, (in which, by the way, the College has scarcely any property whatever,) merely by the vote of the eight seniors. Which, as Serjeant Miller acutely remarks, “ if not contrary to, is no better than an evasion of the statutes ;” for, if the eight seniors are to have the right to grant sums of money, they obtain also, in effect, the right to grant annuities, an annuity being easily purchased with the sum thus bestowed. There is no means furnished to the junior fellows of ascertaining the state of the College accounts ; nor, indeed, is there any such right bestowed upon them in the statutes. On the contrary, it is especially provided, “ that the eight seniors are not to reveal what has passed in their meetings to the other fellows.” (§ 11.) Each of us, whether he has, by chance, been summoned to sit upon seniorities, or not, receives his

* Miller’s *Account of the Univ. Cambr.* p. 126.

dividend annually, from the proper College officer, in the shape of a check upon the College banker; and relies with the most implicit confidence, upon the high honour and integrity of our excellent senior fellows.

And now I am upon this subject, I may as well correct an error which was made in the last debate, by the author of the Bill himself. He there asserted, "that the senior fellows of Trinity College had voted to themselves double fellowships." Now, let me explain the real state of the case. By the statutes of the College, (§ 43.) in order to encourage the taking degrees in divinity, it is ordered that a D.D. shall have an annual allowance of £7. 6s 8d, for "livery" (liberatura), and "stipend" (stipendium), i. e. for clothes and pocket money; similarly, a B.D. is to have £6. and an M.A. only £4. 6s 8d. Now, I have already explained the perfect childishness of our divinity degrees.* They are the greatest farce that can possibly be conceived. Therefore, as the fees for taking them are very high; in order not to compel the fellows to throw away their money for a mere empty name, the seniors very properly agreed, long ago, to regulate the payments in such a way, that each fellow should receive such a salary, according to a fixed proportion, as he would have been entitled to, if he had taken the divinity degree at the regular time. This is the whole truth of the matter; and nobody,

* See before, p. 94.

when he learns the real facts, can for a moment blame the high-minded gentlemen who formerly made the arrangement. I need not, of course, add, that it is only the *proportion* of the payments that is now adhered to ; for, if we were only to have the statutable sum paid us, it is evident that we should starve.

St. John's College was founded by Margaret, Countess of Richmond and Derby, the mother of Henry VII. We know, from sundry marginal annotations in its present statute-book, that the society was formerly governed by a code of laws issued by Henry VIII. and differing materially from the present one, which was drawn up by Queen Elizabeth. The virgin sovereign, too, tells us in her preface, "that the foundress died before she was able to compile a code ; that a code, however, was afterwards issued," (no doubt that of Henry VIIIth's, mentioned before,) "which became, in the end, so mutilated, interlined, and changed, that she herself, out of her royal goodness, had determined to take the matter in hand." And she subjoins her direction, "that her new code should be inviolably observed by all in the College."* The statutes contained in this document are so very similar to those of Trinity, many parts being word for word the same, that it will not be necessary for us to go regularly through with them. Omitting unimpor-

* *Statutes of St. John's College, Cambridge*, printed in the 5th Report of the Education Committee, A. D. 1818.

tant discrepancies, the following are the only points in which what has been said, respecting one foundation, will not apply to the other.

The master, instead of being nominated by the Crown, is elected by the M.A. fellows. (§ 2.) He is ordered to reside for nine months in the year instead of eight, and contrariwise, the fellows, whether M.A. or B.A. for 285 days, instead of 302 and 325. (§§ 3 and 27.) There is also an additional proviso; that, as a general rule, not more than one half the fellows are to be absent from college together. (§ 27.) As in the Trinity code, it is ordered, "that those candidates are always to be chosen fellows, who are the more remarkable for morality and erudition, (*moribus et eruditione*;) and out of these (*et inter hos*), those who are poorer than the rest, (*indigentiores*) are to be preferred." (§ 12.) The whole and sole government of the College, as well as the management of its estates, is confided to the eight Seniors, without any necessity for the consent of sixteen in the latter case, as in the Trinity code. (§ 5. 42.) There is, however, a similar regulation, "that the master and seniors are not to grant annuities or donatives in any manner whatever." (§ 42.) Respecting the actual administration of the affairs of this Society at the present day, I cannot, of course, say anything; nor do I at all know what payments are made respectively to the senior and junior fellows. In one respect there is a very material difference between these two neighbouring

Colleges :—*they* vacate their fellowships if they do not take the degree of B.D. at the end of seven, or at the furthest eight years ; (§ 24,) *we* merely suffer in a pecuniary point of view, according to the strict letter of the law. There is also another somewhat unpleasant enactment, which is to be found in the Johnian code, but not in the Trinity one. It is to the effect, that those who accept of more than their small statutable allowances, are “guilty of theft.” (§ 33.)

It would be wearisome, after all these minute details, to review the statutes of the smaller Colleges, for instance, those of Corpus Christi, which have been printed at full length by Dr. Lamb.* But I may just mention, as we are going on, that in this last code, those are directed to be chosen fellows, who are “SIMPLICITER MELIORES,” without saying one single syllable about poverty being either “the principal requisite,” or any requisite at all.— See § 12. Similar enactments occur in five MSS. College codes that I have inspected.

There are three peculiar systems, not known generally in foreign Universities, for which nearly all our Colleges are more or less remarkable:— The system of compulsory chapels, of compulsory lectures, and of compulsory ordination.

Respecting the compulsory enforcement of a daily attendance at the College chapel, and the tendency which it has towards eradicating all the beautiful habits of family and parochial worship,

* In his edition of Masters's History of that College.

contracted in early boyhood ;—to say nothing of the impolicy of connecting the idea of religious duties with scrapes, and squabbles, and admonitions, and impositions ;—Mr. Thirlwall has written so admirably, that it would be rash to attempt to follow in his footsteps.* Moreover, the treatment which he experienced, in consequence of expressing his candid opinion upon the subject, was not exactly such as to encourage anybody to follow his example for the future.

As regards the compulsory attendance at lectures, I have already expressed my opinion of its absurdity. Its only use,—and a very unworthy one too it is,—is to gull papas and mammas, into the belief, that their sons “ must be getting on well,” and thus bolster up the present faulty system, by creating an implicit confidence in the advantages derived from it. It is clear, therefore, when we take into account all that has been urged before on the subject, and how admirably the free plan has worked in Germany, that students ought not to be *compelled* to go, either to University or to College lectures. *Advise* them, if you will, but do not attempt to force them. Appeal to their good sense ; and though the scheme will give you a vast deal more trouble, than the present one of driving them like slaves to their tasks, you will assuredly find your account with it in the end. We are too apt to forget that our students at the

* See his 1st Letter to Dr. Turton.

Universities, though boys of 12 or 14 in the days of Elizabeth, are at present, young men of 19 or 20. Now there is not, and there cannot be, from the nature of things, any *mezzo termine* between leading and driving. You may drive boys, but you cannot drive young men. You will, therefore, if you are wise, make up your mind to endeavour to lead them.

But in connection with this subject, it may also be asked, whether there ought to be any College lectures at all ; that is to say, any lectures, which the members of the College alone are allowed to attend. I think not. What can be more absurd, than for a small foundation, with some 15 or 20 undergraduates on its boards, of three or four distinct years, with distinct studies, and distinct degrees of talent, application, and acquirements, to have its private and peculiar lectures, mathematical and classical ; each lecture being necessarily attended by not more than half a dozen at furthest ? It is just as great an exertion to lecture to three people, as to lecture to 300 ; and there is consequently in this case, a most useless expenditure of time and trouble. It is exactly as if a man were to hire the Italian Opera-house, and insist upon the performers exhibiting to a select party, consisting of his own private family. Besides, the keeping up a system, which deprives the lecturer of any chance of increasing his class beyond a very small number, tends of course to deprive him of all energy

and inspiration. How could Madame Pasta work herself up to the requisite pitch of excitement, if she were displaying her abilities to such an audience, as I just now imagined? The method of conveying instruction by word of mouth, to a small number of pupils, all at once, I consider to be the least calculated to produce beneficial results, that can possibly be conceived. It contains all the disadvantages both of private and of public tuition, without any of their advantages. On the one hand, the pupil cannot stop the lecturer, to ask for assistance on a particular point, because he would be interrupting and delaying his fellow-pupils; on the other, there is none of the generous enthusiasm, and high-hearted emulation inspired amongst them, which is ever kindled by the mutual collision of intellect with intellect.

“O ho! then,” I hear somebody cry, “so you wish to release yourself and your brother fellows from the laborious duties of tuition, to perform which you are bound by your College statutes!” Not so fast, my good friend, if you please! I have already explained that I would give to every M.A. the ancient statutable privilege of lecturing for any fixed fee, upon any subject, to any young men that chose to attend the course. The Fellows of Colleges would thus fill the place of the German Professors, ordinary and extraordinary. They would have a fixed stipend of about £200 on an average, which is about the same as they get in

Germany, and free liberty to make any further sum that they could by their honourable exertions as public teachers in the University. You would then have instruction supplied to your sons, upon the only terms on which instruction, or anything else, can generally speaking be worth one straw; namely, when the remuneration obtained is precisely proportional to the goodness of the article furnished. There would be no injustice whatever done to any one. Those Fellows of Colleges, who chose to devote their days to port wine and whist, might continue to do so, just as at present; those who were pursuing their studies at the Bar in London, would not be one single farthing the better or the worse for the measure; while the really hard-working and industrious men would have an opportunity afforded them, not only of increasing their incomes, but what is far more valuable to such minds—their literary reputations. What a field would then be open to them! We should have no droning bunglers, wearying their wretched audience with the perpetual repetition of the same puerile absurdities. The race would be open to all; and he that did not so run that he might obtain the victory, would be left behind, like Nisus, dishonoured in the mire. It is painful to be compelled to allow, that the English Universities, for many years back, have fallen considerably in the rear of their continental sisters; but still truth is truth and ought to be spoken. The fact is evidently to be attributed

to the want of a proper emulation amongst the Professors and Lecturers. At all events, until some one can point out another reason, we are bound to believe that the grand point of distinction in the constitution of the two sets of institutions is the true and only cause for their differing so materially in the results which they produce. Let any one throw his eye over the list of the Professors of the nineteen German Universities given by Mr. Robinson, marking as he goes on the names distinguished in literature and science, and then attempt the same operation with our Oxford and Cambridge Calendars! The disparity in point of *numbers* more especially, upon our side of the question, will be found to be most striking and mortifying. Yet the whole revenues of the nineteen German Universities may fairly be calculated at not more than £250,000;* while the united revenues of the Universities of Oxford and Cambridge, together with those of their Colleges,—taking into account all the various bequests for literary and

* I arrive at the number by the following method. Mr. Robinson gives the number of students in each University, but the *whole* annual revenues only of three of them, Erlangen, Geissen, and Marburg. Now as all the German Universities are conducted on similar systems, being all principally supported by the Governments, I conclude that the proportion of the number of students in the three specified Universities to the number of students in all the nineteen, will be the same as the proportion of the revenues of the three to the required revenues of the nineteen. The problem thus reduces itself to a common rule-of-three sum.

scientific purposes, which is, of course, but fair,—amount certainly to as much as £250,000, if not more.* In the nineteen German Universities there are about 1000 professors and instructors; in our own, if we add together the College-fellows and the University Professors we shall obtain nearly as large a number. There must therefore be something radically wrong in our system, or there would not be such a marked difference between the educational establishments of the two countries.

We now come to the consideration of the propriety of compelling Fellows of Colleges to take Holy Orders after a certain period, or else vacate their fellowship. It is exactly 120 years, since this question was first mooted by the intrepid and unconquerable opponent of the tyrannical Dr. Bentley,† Serjeant Miller, to whom the Fel-

* I would state the account thus :—

University of Cambridge	-	-	£20,000
———— Oxford (say)	-	-	20,000
About 900 Headships and Fellowships at £200 each	-	-	180,000
General expenditure of the various Colleges, certainly more than	-	-	30,000
Grand Total	-	-	<u>£250,000</u>

† For an account of the long-protracted lawsuits between Trinity College and its Master, the celebrated critic Bentley, see *Monk's Life of Bentley*. Miller was one of the two statutable lay-fellows. All the others are required to take orders at the end of seven years from the time of taking the degree of M.A.; otherwise their fellowships are vacated as a matter of course. In most other Colleges the period allowed them is much shorter.

lows of Trinity College owe such a debt of gratitude for his noble advocacy of their rights and privileges. As the pamphlet, in which the discussion occurs, is scarce, and known but to few, I shall quote, at full length, nearly the whole of his 10th chapter, which treats of this subject, making as little alteration as possible in his powerful and lucid style, which flows along like a stream of liquid lava, — shining and consuming. His words are addressed to the two houses of Parliament.

“THE ALTERATION which I would propose to your Honours, is to expunge those statutes in every College, which oblige their Fellows to take Holy Orders, or to lose their fellowships.

“This, as I hope to make it appear, would be highly advantageous to the public, as well as most reasonable in all other respects. For many have been long of opinion, that it has been no good management in the public, to suffer the revenues of the two Universities, (which are computed to be above £50,000 a year,) to have been almost wholly expended for the encouragement only of the study of divinity, and the education of priests; whom all people must own to be superfluously abundant, if they but look into these places, where they will see great numbers, who seldom or ever have occasion to exercise any part of their priestly office. Whereas in many other parts of useful learning, to which there has been no such particular en-

couragement, there have been scarce men enough found to answer the necessity of the nation. If these revenues, therefore, as would be most proper, were made encouragements for universal learning, the Universities without any additions would in all probability produce a competent number of such, as would shine in all manner of arts and sciences ; who otherwise must not only be forced contrary to their inclinations to obscure themselves in a cassock, but for want of employment, occasioned by their too great numbers, must be, useless even in that, and a burden to it.

“ To clear the way as I go, I may mention, that I have debated this matter with several members of both Universities, and such as are most able and likely to raise the strongest objections against it ; which I find amount to three. All which I shall state in their full force, and answer one after another.

“ Your Honours may be sure that the common cant of the danger of the Church must be hooked in one way or other ; and, therefore, they say,

“ *First objection*,—that if the statutes which oblige Fellows of Colleges to take Holy Orders should be abolished, the Church would be in danger of being destroyed, in the most effectual manner, by cutting off the priests and priesthood, for which the Universities are, and have been, the only ancient seminaries.

“ Though by this common cant of *the danger of*

the Church, the crafty understand no other than the separate interest of *Churchmen*; yet, it has been of late so perpetually used to such base purposes, that it is almost nauseous to mention it. For, supposing that *the danger of religion* had been made use of in those cases, instead of *the danger of the Church*, I will venture to say, that none would have pretended to have seen any danger at all; neither would the meanest of the mob have been deluded by it. Which shews that it was an artificial cant, of a doubtful signification, designed on purpose only to amuse, and intoxicate the people with a danger of they durst not *say* what, to excite them to do they durst not *own* what. Notwithstanding which, to take the word *Church* for once in their own sense, I shall make it appear in answer to this objection, that what is proposed is not only for the separate interest of every individual Churchman, but for the honour and advantage of religion and the Church in general, if thereby is meant such a one as is consistent with piety and the good of the state.

“ I might justly be thought a very senseless wretch, if I should propose any such thing as the cutting off the priests and priesthood. I know full well that they are necessary, like fire and water; and that a good priesthood is the greatest blessing possible. What is proposed is only to prune off the superfluous branches, which would make the tree of religion flourish the more, and bear better fruit,

as certainly as if it was planted in a better soil. And this result would, I think, follow, if religion was in the hands only of such priests, as entered into Holy Orders voluntarily, and not merely for the sake of saving their fellowships: in the same manner as volunteers may be supposed to fight with a greater sense of honour, and a more hearty affection to the cause in which they are engaged, than those who are pressed into the service.

“ It is a mistake, therefore, to think, that it is proposed to forbid, or hinder, any one from taking Holy Orders. As many may be priests, as have inclinations so to be; and the Colleges may continue seminaries for such, in the same manner as they have always been. But that they should continue to force others to be so against their wills, under the penalty of the loss of their fellowships, which is generally their whole livelihood, is, with submission, not only contrary to reason, but even to conscience and the law. For the law, which appoints the form of their ordination, enjoins the Bishop to ask every Deacon, that comes for Holy Orders, publicly, after he has passed the examination as to his literature, and produced a testimonial of his good life and conversation, and immediately upon his taking the sacrament, ‘ Whether he trusts that he is inwardly moved by the Holy Ghost to take upon him that office and ministration.’ To which, if he answer in the negative, he is not by law to be ordained. And if the mere saving of his

fellowship—which is very often the case—be what moved him to take Orders, the answering in the affirmative, upon so solemn an occasion, is an egregious piece of hypocrisy, and a literal lying against the Holy Ghost; to be guilty of which, it is most unchristian that any one should be compelled, by undergoing so strong a temptation as the retaining his livelihood.

“Since therefore those, who are inwardly moved by the Holy Ghost, will be at as full liberty to enter into Holy Orders, if these statutes are abolished, as they were before; and it is plain, both in law and conscience, that none else ought to do it; the contrary practice being likewise more apt to make hypocrites than pious priests; I believe any religious man would blush, under the pretext of this objection, to insist upon the present method of compulsion, and consequently upon retaining those statutes as they now are.

“And whereas I affirmed, that the abolishing of them would be for the separate interest of every individual churchman, and of the Church—by which I mean religion—in general, I presume it will not be denied to be so; inasmuch as there would not, in all probability, be so many, who would be moved to take Holy Orders; and consequently there would be more College, as well as other preferments, for those persons, who have already, or shall hereafter take upon them the priesthood. And as those who enter into it voluntarily, accord-

ing to their own inclination, would, in all probability, make better priests than others ; it would be for the good of religion in general, because they would be guilty of few, or no personal vices ; which are too apt, especially in the opinion of the vulgar, to cast a blemish upon the whole order, together with religion itself.

“ *The second objection*, is, ‘ that by the will of the founder, expressed in the several College statutes, all the fellows, except such as are therein excepted, are obliged to take Holy Orders within a certain time, under the penalty before mentioned ; and it is highly reasonable, that the will of the founders should be obeyed.’

“ How sacred and well observed the will of the founders has been in regard to other statutes, I conceive has been sufficiently made appear. And as most are willing to admit, that the change of times and circumstances may be alleged as an excuse for the omission of many of those ; so in this case it is not only an excuse, but amounts to a reason for abolishing them ; inasmuch as, through change of times and circumstances, they have long become useless and inconsistent with the public good.

“ To make this more manifest, I will beg leave to offer three things to your Honours’ consideration.

“ First, whether any true Protestant, now living, would think it for the good of the public and of

religion, to found now-a-days a new College, only for the encouragement of priests?

“ Secondly, whether in most of the Colleges, already founded for that use, there are not more than half its members, who have no employment in that profession? Which making them also incapable of any other, by that means they become useless, not to say dangerous, to the state.

“ Thirdly, whether in this nation there be at present a due encouragement from the public, by Colleges—which is the best way—or otherwise, for those who may have a genius or inclination to study the other branches of useful learning?

“ If therefore it be plain, that it would not be for the good of the public to found more Colleges of the present sort, because in fact they are so numerous already, that they render above half of their members useless, if not dangerous; and if there be wanting at present a due encouragement for those other parts of learning, which would also be avowedly useful to the state; what, in the name of wisdom, should hinder a good government from supplying a most important defect in the state, by lopping off a useless or dangerous superfluity in the Church? When it may be done without any charge, or prejudice to any private man’s privilege or profit; and by such means, as are in themselves most highly reasonable, and conducive both to the good of the Church and the State. All that would

be necessary would be, to permit every one, who is a partaker of these public endowments, to have free liberty to pursue his own genius, interests, or inclinations in the course of his studies.

“ Besides, all Colleges in both Universities— notwithstanding that their members after a time are obliged to be almost all of them priests,—are in the eye of the law lay corporations and bodies politic; over all of which the public has an immediate and undoubted authority, to regulate them as they shall think fit, without the least imputation of straining their power by meddling in private matters, or such as do not concern them. For what is the will of any founder or private man, when it is in competition with the public good? Shall that be suffered to entail a mischief upon the public, in succession for ever? It is a sufficient answer to this objection, to say, that the will and policy of Popish founders was to multiply priests in Colleges and elsewhere, in order to establish their power by their numbers, and to withstand all attempts for a reformation, but such as they themselves should think fit to grant.

“ *The third objection*, is, ‘that if these statutes were abolished, there would not be so many in Holy Orders, and consequently divinity duties would come faster about, and lie too hard upon those who are.’

“ This is the objection, which—next to the secret fear of the Universities becoming Low-church—lies most at the heart of them. In answer to

which, I say, that it is a great pity that clergymen, who reside in the University to improve themselves in divinity learning, should not have entire leisure, but be troubled too often with the performance of divinity duties. Yet it is hoped, that it will not be impossible to find a remedy for this grievance, or that the burthen will not be thought too great, when it comes to be examined into. For it will be found that the only duties incumbent upon them at present, after they are Masters of Arts and in Orders, as far as the University is concerned, is the preaching on Sundays and holidays in St. Mary's Church, by themselves, or somebody for them; which running through the whole University by turns, does not come to the same man so often as once a year. As for the private duties in Colleges, which are peculiar to those in Orders, the fellows in Trinity College are not troubled so much as with the reading prayers twice a day in chapel. This is done for them by a gentleman who receives a salary for that purpose. Though there certainly is the preaching in the College chapels to be provided for, which at most is but once at Christmas, Easter, and Whitsuntide, and once in each of the three terms.

“ Having now, as I humbly conceive, fully answered the three objections, I beg leave to lay before your Honours three considerable advantages, which would accrue to the public by a repeal of these statutes.

“ *First*, though one cannot be certain, but that after such a repeal, there would be nevertheless some supernumerary priests in the University; yet as they would be only such, as entered into Holy Orders, either moved by the Holy Ghost, or at least pursuant to their own inclinations, there would not be any danger from them, not only as being fewer, but in all probability better men, than those who were forced to take them merely for a subsistence. A measure of this kind would no ways prevent there being as many parish priests as formerly, who have the immediate influence over the people; nor, as these are necessary, ought their numbers to be lessened. Yet, by its causing fewer, and making better supernumeraries in the Universities, from whose residence the parochial clergy, as from headquarters, receive orders as well as arguments for their preaching and private conversation; such a majority of them could never chime together in the same tune, as it is visible they have done of late years; whether to the benefit, or detriment of the public, your Honours are fittest judges.

“The danger of supernumeraries only in the Universities, is a matter not to be despised. For suppose that the country clergy have taken their cue from them, to make the pulpits ring chiefly of themselves, and of ‘the reverence due to men set apart for the gospel,’ and that they are ‘God’s ambassadors,’ and ‘the successors of the apostles,’ —by which is insinuated, that they are inspired by

the Holy Ghost, and have the same authority and powers as those their predecessors,—and ‘of what great effect the absolution is, when pronounced by the priest,’ and ‘that it were to be wished, to make it more effectual, auricular confession was practised in our Church,’ with other doctrines of this sort, which might be collected out of many printed sermons:—All this coming from the pulpit,—from whence the greatest part of the people are apt to believe, that they hear nothing but the word of God,—and seconded by their after-dinner talk, with the addition of ‘D—n and confound all the Whigs and Low-churchmen,’ who are the only patriots of the people, and have frequently rescued them, when they were just upon the brink of destruction:—and these doctrines being industriously propagated with the pomp of learning, of which they are masters, and meeting with very few opposers from the same place of authority, must naturally influence great numbers of people to do whatever they shall dictate. For who would not follow them? since, if these doctrines are true, they are no less than Gods, and have the power of absolving men from their sins.

“It is now almost come to that crisis, that the nation must either give itself up to be governed by them, or some courses must be taken, that they may be governed by the nation. For it appears that, instead of the Church being in danger, the danger is from what they call the Church. There-

fore the lessening the supernumeraries of these dangerous persons will be of very great importance, though it were but by a few ; especially since the general number has been increased by the building of so many new Churches.

“ This leads me to a *second* convenience or advantage, which the repealing of these statutes would be to the nation ; viz. an increase of arts and sciences in general. For as, after that, none would take Orders without a certain prospect of employment in that profession ; so there would be few or no idle persons in the Colleges of any sort. But every one following the studies most suitable to his inclination, it would cause every College in a short time to become a nursery of all manner of arts and sciences, instead of being so chiefly but for one, as matters stand at present. For no part of learning being so void of charms, as not to find some admirers, the consequence would be, that nobody would be useless ; and the nation might be sufficiently stocked with all sorts of learned men, instead of being overstocked only with one.

“ The *third* convenience and advantage would be such, as I believe, your Honours will allow to be no small one ; viz. THAT THE NONSENSICAL HIGH-CHURCH PRINCIPLES WOULD NOT BE SO TRIUMPHANT, even in the Universities, as they have been ; much less would they in other parts of the nation. For I must beg leave to lay it down for a rule, which I have made from my own observation, and I know

others have made the same, THAT A LAYMAN ENDOWED WITH GOOD SENSE OR LEARNING, IS TEN TIMES MORE UNLIKELY TO BE A HIGH-CHURCHMAN, THAN A CLERGYMAN IS WITH THE SAME SHARE. For taking all clergymen to be naturally neither better nor worse, according to their quality, than other men; it may be expected that they will have so much regard to this world, as to desire all the conveniences, if not superfluities of life, equal to the best of the laity. This, consequently, induces those of them, who are not born to what they so much desire,—as but few of them are,—to look out sharp for such conveniences or superfluities, and to preach and propagate those principles by which they are most likely to be obtained. And knowing that property is the natural consequence of power, what can they think more conducive to it, than to preach up the independent power of what they call the Church (viz. of churchmen) upon the State?

“ Amongst many other things tending to the same end, some of them do not forget often to remind the people of the restitution of the Abbey lands, the possession of which by the laymen they do not stick to call sacrilege and robbing of God; inasmuch as they were once given to the Church; that is, as they say, to God. Now, as in that case, the word ‘Church’ can mean nothing but ‘Churchmen,’ such assertions amount to no less than blasphemy, in making themselves Gods. For if those possessions,—which every one knows, were given

to a parcel of lewd monks, and enjoyed by them, as long as they could be tolerated,—must be said to be given to God (which is an expression too often used of things relating to the Church); what is it, but, in plain English, calling those wretches ‘ Gods?’

“ These worldly views, together with too easy a compliance with the majority of their brethren, more than the reason of the thing, induce many of our clergy,—naturally not indisposed,—to preach those false, encroaching doctrines; while we see the most learned and pious amongst them are of different sentiments, as well as practices. Yet, if but one of these dares freely and publicly to assert his own opinion, or contradict theirs, with ever so much learning or strength of argument; he is said ‘ to befoul his own nest,’ and is run down with such a clamour from the multitude, that it must deter others from exerting themselves in the same manner, though it is according to their private judgment.

“ There are many other things, which if a numerous and ambitious clergy, whose minds may be more set upon this world than the next, should ever hereafter endeavour to propagate from the Universities, they could never be so soon stifled as by this method. For it would plant an almost equal number of learned laity in the same places; which would either nip such attempts in the bud, or prevent the ill influence they might

have upon the young nobility and gentry, assembled there from all parts of the kingdom for their education. A learned laity, too, planted there, would easily expose the weakness of any arguments they could raise for such unconscionable doctrines; and would plainly discover that it is not religion, but civil power and riches, which is at the bottom of all these struggles. From whence may be inculcated this plain inference, *that whatever the clergy get of those things, so much the laity must lose.*"

Such are the ideas of this clear-headed controversialist. The language which he employs is certainly somewhat intemperate, considering the sacred character of those of whom he speaks; yet as his arguments have now remained unanswered for upwards of a century, it would be difficult to shew, that the measure which he calls for is not worthy the attentive consideration of the Legislature. There is one objection, however, which appears never to have occurred to him, namely, that by not insisting upon Fellows going into Orders, the number of fellowships vacated will become smaller, and, consequently, the succession slower; which would be a hardship and an injustice to the rising young men in the University.

In Miller's time, indeed, it seems never to have been imagined possible, that any one would be such a fool as to vacate merely from religious scruples; but as we have had cases of the kind of late, and some very distinguished scholars have thus been

lost to the University, it will be necessary to notice the objection. Suppose, therefore, that it is a real grievance, and that it is desirable to keep up the succession at the greatly increased velocity which it has acquired during the last few years ; it will be easy to shew how such an end may be accomplished without injustice to any one. We will take, as an example, the case of Trinity College. There are sixty fellowships in all, and there are about five vacancies annually at present. Let us suppose, that by the new measure the number would be reduced to four ; all that would be requisite would be to sell such a number of the College advowsons, as would found fifteen new fellowships, just as the Bishops have recommended livings to be sold when attached to Masterships and Professorships, and the interest of the funds thence arising to be paid to the Masters and Professors.* There would then be, precisely as before, five vacancies annually ; and the diminution of the College patronage would be no injury whatever to the clerical Fellows, because, by the supposition, they would be proportionably diminished in number.

If it should be thought fit to do away with compulsory orders at once, without any regular enquiry into the state of the Universities, there are plenty of precedents for such a step. For instance,

* Fourth Report of the Church Commission, quoted in Dr. Wordsworth's Letter, p. 47.

by a Royal Letter from Charles, in 1635,* the number of fellows of St. John's College, privileged to remain permanently laymen, was increased from two to four, and this letter is acted on to the present moment. What, therefore, could then be done for *two*, can now be done for *all*; and, as I have before argued, what can be done by the King alone, can *a fortiori* be done by the consent of the King, Lords, and Commons. As to dispensations for *individual* fellows, they were quite common in former days;† and though they have not been granted of late to *fellows*, yet we had an instance a very short time back of one being granted to a *Head*.

If any one is not yet convinced, by the cases incidentally mentioned, that our University and College Statutes neither have been, nor are, nor can be complied with, let him read the following paragraphs, and his doubts must inevitably vanish. I will not speak of the multifarious enactments which *might* be enforced, though they are not, but solely of those which are unobserved, because they are totally repugnant to the present state of literature, science, and civilization.

By Elizabeth's second Code for the University, a candidate for a degree in divinity is to preach

* Printed at the end of the Stat. St. John's College, p. 463.

† An example may be seen in the very next page of the Johnian Statutes.

publicly at St. Paul's Cross, in London. (§ 8.) The money of the University is to be kept locked up in a chest. (§ 39.) No scholar, save the sons of esquires and knights, is to have more than an ell and a half of cloth on the outside of his breeches, or to wear breeches slashed, or made of silk, or padded in any way whatever; and no person on any collegiate foundation is to wear a ruff or ruffles to his shirt, unless it be a moderate sized ruff with no silk in it. (§ 46.) There is to be no card-playing, except for twelve days at Christmas, and then only in the College Hall, and not after 10 P.M. There is to be no fencing or dancing school allowed within the town of Cambridge;* and no student is even to be present at a dance. No under-graduate, or B.A., is to go into the town alone, save poor students and sizars, and then only when they have got leave from the College authorities; and no one of any degree is to frequent the market.† (§ 47.) The service in every College chapel is to begin at 5 A.M. (§ 50.) and finally, the gates of every College are to be shut, in winter-time at 8, and in summer-time at 9 P.M., and the keys are then to be taken to the Master, after which no person is to be permitted to come in. (§ 50. p. 269.)

* Yet the name of M. Angelo actually appears in the University Calendar, as fencing-master to the University.

† Yet the Steward of Trinity College is expressly enjoined to go there in person, in order to buy the College provisions. Stat. Trin. Coll. § 7.

By the statutes of Trinity College, there are to be only three College washerwomen, one for the fellows, another for the scholars, and a third for the chaplains, &c. (§§ 1 & 43.) Under-graduates that miss a single chapel, if they are under 18, are to be publicly birched in Hall in the presence of all the fellows;* if above 18, they are to be fined one half-penny. (§ 5.) The College lectures are to be delivered in Hall at 6 A. M. (§ 9.) Every member of the College is to repeat a barbarous Latin prayer upon his knees, before he leaves his bed-room in the morning to attend chapel, and likewise a similar one at night; and there is to be a prescribed *Latin* service in the College chapel, which, by the bye, is quite different from the ordinary Liturgy. (§ 16.) Certain students are to be appointed under the name of "Bible-clerks," to read the Bible aloud during dinner-time in Hall, and all the students are in the meantime to remain perfectly silent. (§ 17.) No person during term-time is to speak any other language than Latin, Greek, or Hebrew, except to a stranger. (§ 18.) No student is to stand covered in the College court, or elsewhere in College, when a M.A. is

* So that the Hon. Mr. Bouverie,—who has already distinguished himself so highly in this College, and is likely to distinguish himself still more highly in the University, when he takes his degree,—having been about 17 when he came into residence, ought to have received at least a hundred castigations by this time. For the statutes require attendance at Chapel every morning, which is not now insisted upon.

present; and they are not to drink together in Hall, except at breakfast. (§ 20.) *Bachelors*, as well as under-graduates are to wear violet-coloured gowns.* (§ 23.) The Head lecturer, and the eight other lecturers by pairs, are to exhibit, or cause to be exhibited, as Miller explains it, five comedies or tragedies, at Christmas time, in the Hall. (§ 24.) And to sum up all, fellows, as well as other students, are to pig together by two, threes, and fours, in one and the same room. (§ 26.)

The statutes of St. John's College contain nearly the same absurdities, with a very few slight omissions. The following are some additional *morceaux*. The Head lecturer is to toll the bell, in person, for morning chapel, which, as in the Trinity code, is to take place at five, and the lectures to begin at six. (§ 9.) No person is to be elected scholar (discipulus), who is either maimed or deformed. (§ 15.) The big College bell is to be tolled every morning, from four to a quarter past four, in order to wake up any student who may be in the neighbourhood of the College. (§ 18.) The College-barber is to shave or clip the beard of the master, fellows, &c. *weekly*; and the table-cloths used in the Hall are also to be washed *weekly*. It is added, too, that to prevent scandal with the washerwomen, these venerable old ladies are not to enter the College; nor, on the other hand, are any College servants

* This is contrary to the rules of the University, which direct them to wear *black* ones.

to be sent with the dirty-linen bag to their houses. No! that would be equally naughty! The woman-kind are to come to the College-gates, for the foul clothes, either on the Monday or the Tuesday, at three P. M. precisely, and to bring them back clean at three P. M. on the Saturday. (§ 19.) And, to conclude, a fellow, if he is a Doctor, a College preacher, or a senior, is allowed by way of privilege, a couple of lively young scholars, instead of another fellow, to live with him in his chamber; and it is particularly specified, that fellows and scholars, above fourteen, are not to sleep together *more than two in a bed* (*bini vel singuli cubent*). (§ 32.)

The most pertinacious person must, I think, be now convinced, that the present state of things cannot be allowed to continue. Were it not that we were all positively sworn to observe these absurdities, and in their plain grammatical sense too, the thing would be too ridiculous to be mentioned; and even at present, it is difficult to avoid smiling, in spite of these melancholy oaths. I can assert, however, for myself, that I never looked into the College statutes until two or three months ago, and I could not, therefore, have had any idea of their nature; and I believe that the same is true both of fellows of Colleges in general, and of the party in the House of Lords, who have so abruptly refused an enquiry into the subject. Now, however, that the truth of the case is laid open, the affair assumes

an entirely different complexion. Those who, after this public exposition, persist in rejecting the only legal method for getting rid of these oaths, are in effect, directly or indirectly, guilty of perjury. It is no use blinking the question; there must be a commission appointed, sooner or later; and the University may rest assured, that the longer it is delayed, the more severe and searching will be the investigation. Do not let them go on, delaying and delaying, till, like the foolish king in the Roman fable, they are forced in the end to buy *dear*, when they might, in the first instance, have bought *cheap*.

In all the facts that I have here brought forward, and the arguments that I have founded upon them, it has been my constant endeavour to avoid wounding the feelings of *individuals*; and though I have been compelled to go over some very ticklish ground, I hope that I have succeeded. Those, that have examined the subject as closely as I have, will acknowledge at once how many pertinent allusions and tempting illustrations I have thus debarred myself from. Had I thought fit, for instance, to enquire into the ancient statutes respecting some of our Professors, I might in many cases have proved, that by certain conduct they had vacated their offices, *ipso facto*, over and over again. If, on the other hand, I have spoken too harshly of *bodies of men*, I regret it exceedingly; but when such bodies have acted, and continue to

act in a manner contrary to all law and justice, they cannot complain of being publicly exposed; and in cases like these, the pigeons must necessarily suffer, to a certain extent, along with the crows. It is to little purpose to accuse me of baseness and ingratitude towards the Societies of which I am a member. Those are their *real* enemies, those exhibit the basest ingratitude towards them, and those ought to be saluted with a universal hiss from all honest men, who, for their own selfish purposes, would keep them in their present corrupt, and indecorous, and unchristian state. Should any such person, however, think fit to attack me on this score, I shall make bold, when perhaps I am writhing in the gripe of the unscrupulous calumniator, to apply to the case, the words of the good old Greek song:—

Ὁ κάρκινος ὦδ' ἔφα,
χαλῆ τὸν ὄφιν λαβών·
εὐθέα χρὴ τὸν ἐταῖρον εἶναι,
καὶ μὴ σκολιὰ φρονεῖν.

Thus spake the Crab unto the Snake,
When in his claw he trussed him:
“Walk straight like *me*, you wriggling rake!
“I hate that *sideway custom*!”

I love the University, and I love and respect the Society, to which I am proud to say that I belong. But I do not think, that the honour either of Alma Mater, or of Domus is best promoted, by their sons pertinaciously restricting them to the use of

unseemly and worn-out institutions; any more than the honour of the *natural* mothers of those sons would be consulted, by insisting upon their retaining their old fashioned flounces and furbelows, till they dropped in tatters from their backs.

And now, my Lord, my task is at length concluded; and I cannot but hope, that the facts which have been mentioned will convince many, who were unacquainted with our former history, at all events, if not with our present condition, to assent to the desirableness of some such inquiry, as your Lordship has proposed to make.

I have the honour to be,

My Lord,

Your Lordship's most faithful,

And most obedient servant,

BENJAMIN DANN WALSH.

TRINITY COLLEGE, CAMBRIDGE,

April 22nd, 1837.



APPENDIX.

THE following MS. papers are contained in Archbishop Parker's Collection, preserved in the library of Corpus Christi College. For the opportunity of consulting them, and for some very kind assistance while I was so doing, I have to return my most sincere thanks to the Rev. John Lamb, D. D., Master of that College.

1. An *original* letter from King Edward VI. and Somerset, announcing an intention of visiting the University; April 4th, 1548. (Numbered CVI. 174 in Nasmith's printed catalogue.)

2. An *original* letter from the Visitors to the University, directing them to suspend all elections until their arrival; dated Nov. 8th, 1548. (Nasmith, CVI. 178.)

3. A second *original* letter from the same to the same, allowing them to elect a Vice-chancellor; dated Feb. 9th, 1548-9. (Nasmith, CVI. 179.)

4. The King's Commission for a visitation; dated April 10th, 1549. (Nasmith, CVI. 176.)

5. A journal of the proceedings of the Visitors from May 6th to July 8th, 1549. It appears that on May 6th "first the Proctors, then all the Colleges delivered up their statute-books;" that on the 3rd July "they called before them all the Masters, &c. of every House and read unto them the statutes and ordinances of every House;" and that on the 5th July "there was a congregation, where the new injunctions given by the Visitors unto the

Colleges and the University were openly read by the Junior Proctor." (Nasmith, CVI. 177.)

6. A letter from the Visitors, requiring "that every Doctor and Bachelor of Divinity, as well as every Master of Arts, shall before his creation, by his oath, and by his subscription, declare his assent to certain articles of religion." Dated June 1st, 1553. This religious test was probably never exacted, as Edward died on the 6th of the next month.—See Dr. Lamb's Historical Account of the 39 Articles; p. 4. (Nasmith, CVI. 180.)

7. Queen Mary's letter to the University, on her coming to the throne, re-establishing the ancient statutes both of the Colleges and the University, "notwithstanding any new ordinances set forth by any Visitors or others;" dated August 20th, 1553. (Nasmith, CVI. 315.)

8. A letter from Gardiner, Bishop of Winchester, and Chancellor of the University, to the Vice-chancellor and Heads of Houses, requiring subscription to certain articles of religion before voting or receiving any degree; dated March 24th, 1554. (Nasmith, CVI. 328.)

9. Four strong Popish articles subscribed by the Vice-chancellor, on the 24th of June, 1554. (Nasmith, CVI. 320.)

10. Fifteen strong Popish articles subscribed by considerably more than a hundred members of the senate, between April 1st and July 26th, 1555. (Nasmith, CVI. 319.)

11. The Journal of one of the Esquire Bedells, containing, besides other matter, the proceedings of a commission, sent to visit the University by Queen Mary, from Jan. 11th to Feb. 19th, 1557. It informs us that on Feb. 16th "all the new (College) statutes were read openly to the whole University in St. Mary's;" and that on the 15th of May the statutes for the University were brought home from London. (Nasmith, CVI. 330.)

12. The *original* letter from Cardinal Pole to the Vice-chancellor and Heads of Houses, requesting from them a sequel to his University code, which, if approved, shall be ratified by him and returned; dated Nov. 21st, 1557. (Nasmith, CVI. 332.)

13. An *original* petition, signed by upwards of 160 members of the senate, and addressed to Lord Burleigh, Chancellor of the University, "for reformation of certain matters amiss in the new statutes;" dated May 6th, 1572, (Nasmith, CXVIII. 38.)

14. A fragment of a letter, evidently drawn up by some of the Heads, giving an account of a dispute which took place in the Senate-house between the University and the Vice-chancellor; not dated. (Nasmith, CXVIII. 36.)

15. A notice of the first hearing of the charges, which the University brought against the Heads, before the two Archbishops and the Bishop of Ely on May 27th, 1572. We find, that it was decided to defer the final hearing till the following Friday; and at the same time "it was decreed that the Heads should have a copy of the articles of complaint to answer to them;" and there was also "delivered to Drs. Whitgift, Perne, Ware, and Caius, the first original copy of their griefs." (Nasmith, CXVIII. 37.)

16. "The copy of their griefs," headed "objections against these statutes," with the replies of the Heads in the opposite column. (Nasmith, CXVIII. 44.)

17. "The articles of complaint," headed "the grievances of the body of the University for the alteration of the ancient privileges and customs by the new statutes, with the reasons annexed." What they principally object to is the new power of nomination conferred upon the Heads. (Nasmith, CXVIII. 45.)

18. The answers of the Heads to these articles. (Nasmith, CXVIII. 46.)

19. The rejoinder on the part of the University. (Nasmith, CXVIII. 47.)

20. The final decision of the two Archbishops, and the Bishops of London, Ely, and Bangor, upon the complaints of the University, "that the statutes as they be drawn may yet stand, and no great cause why to make any alteration;" and that "these young men were far overseen in going from College to College to seek subscription of names, *without the license of the Vice-chancellor.*" Dated May 31st, 1572. (Nasmith, CXVIII. 39.)

21. A letter from Lord Burleigh to the Heads, respecting a further dispute which took place on the 10th of June in the Senate-house, "*permitting* them to maintain the statutes; for so he has been counselled by the Archbishops and Bishops," who had decided the previous dispute; and threatening "to let Mr. Proctor taste of the fruit of his rashness." Dated June 15th, 1572. (Nasmith, CXVIII. 41.)

22. Articles exhibited by the Masters of Colleges against the Proctors and others. They most ingeniously contrive to make it appear, that it is the Queen's prerogative, not their own that is attacked, and that the opposite party are guilty of "seditious speeches" against her Majesty. They complain also of their wearing "very unseemly ruffs at their hands, and great galligaskins, and barrell'd hose stuffed with horse-tails, with skabilonions and knit nether-stocks too fine for scholars." No date. (Nasmith, CXVIII. 48.)

C. 1

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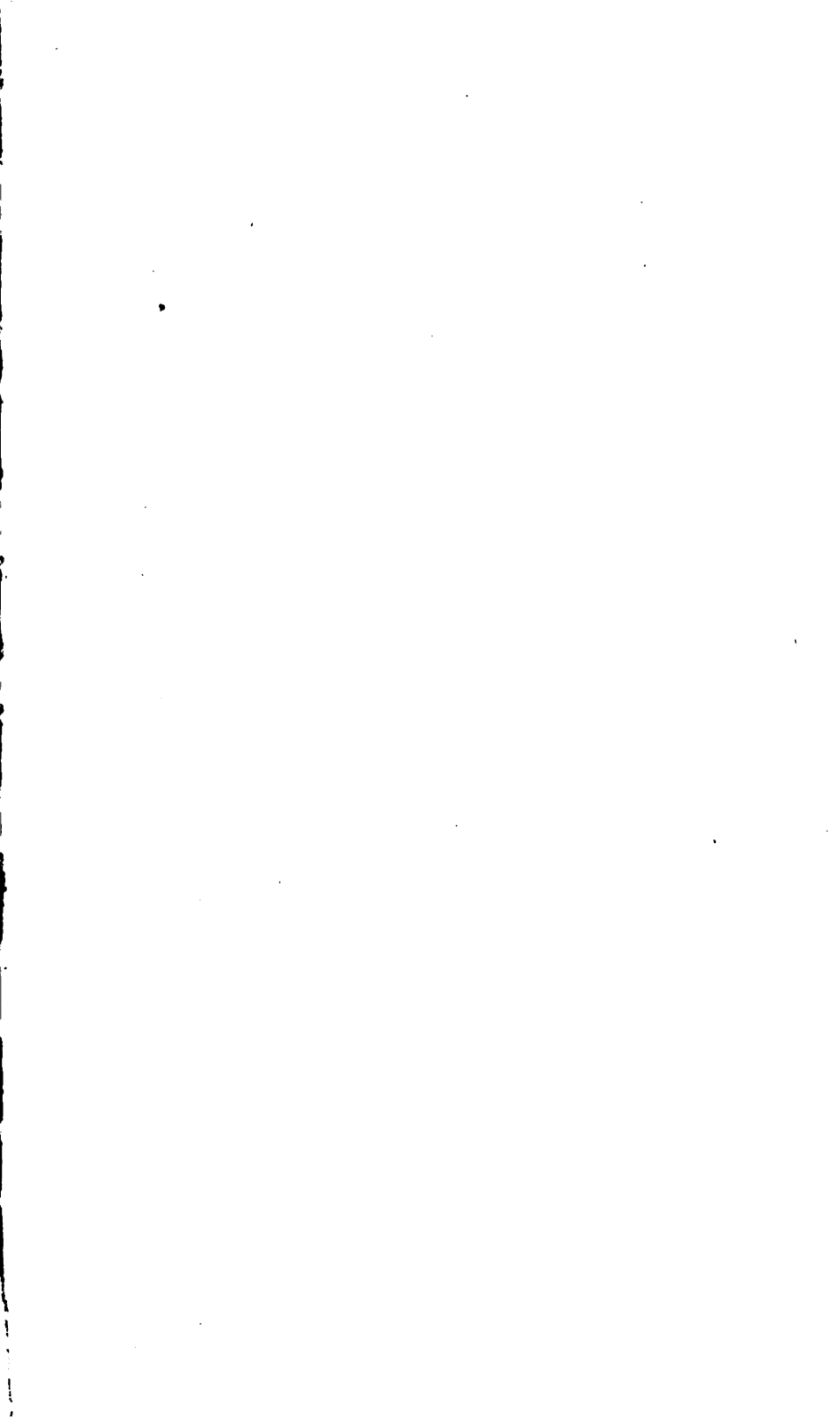
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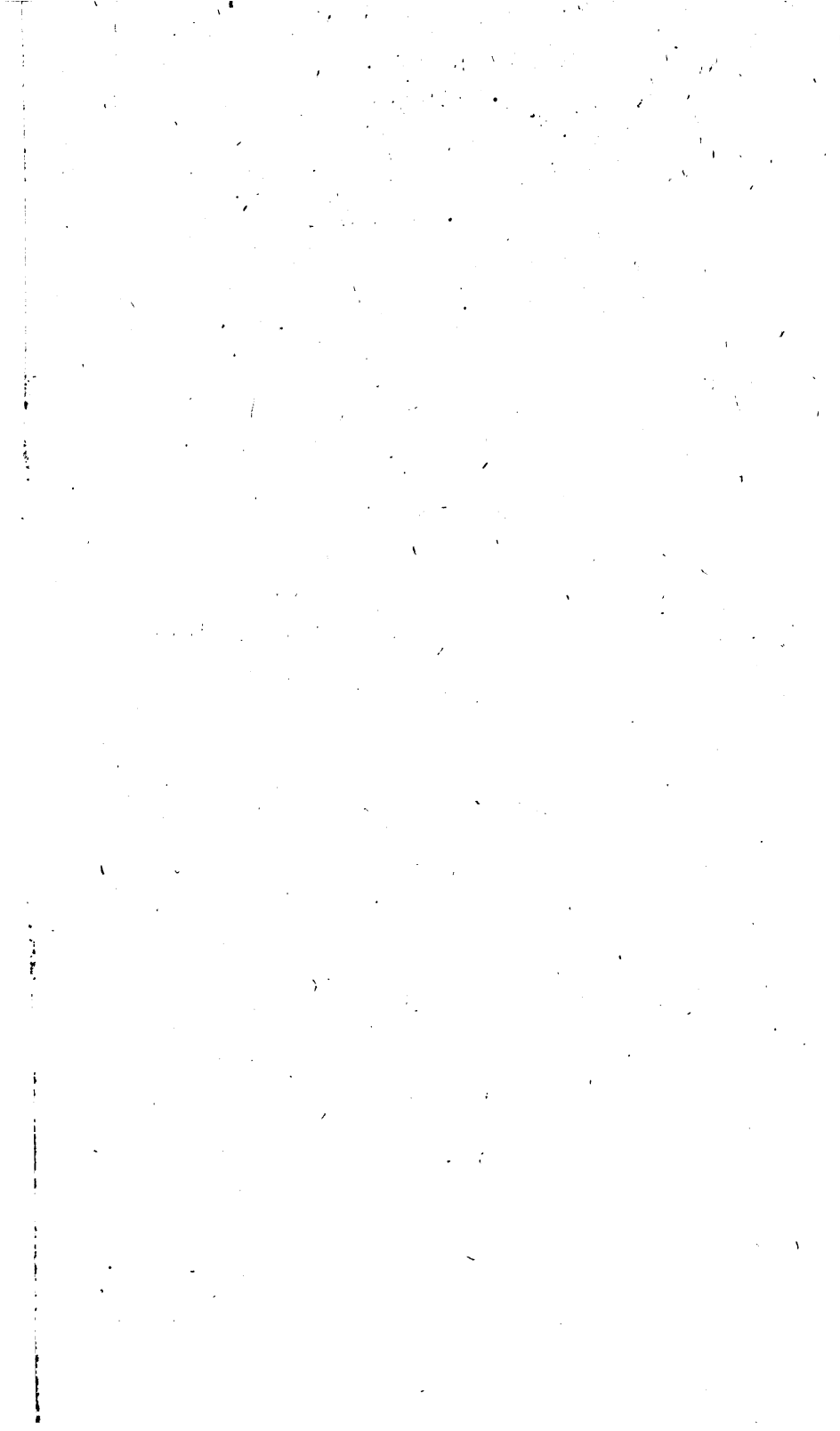
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